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Message from the Dean of Students, Xenia Markowitt

Members of the Marlboro College community work hard to take care of themselves and each other in our shared-governance system. Our on-call system engages three-levels of expedient communication to respond to campus concerns after hours. Marlboro also contracts after-hours coverage from Hunter North Security Services of Spofford, NH, whose officer provides additional support to the residential on-call response system. Marlboro is located in a rural area, where state police law enforcement services are accessed through 911.

Resident assistants facilitate student-created “dorm charters” at the beginning of each term which determine community-living norms that include safety measures. Students are expected to monitor their residences and shared spaces for cleanliness, safety, appropriate behavior, and uninvited visitors. Bi-weekly community meetings are scheduled in the residence halls for discussing community concerns and encourage students to be responsible for the health and safety of their community.

All members of the Marlboro community are encouraged to report emergencies and suspicious and criminal activities. All members of the community are also expected to hold each other accountable to our governing Constitution & Bylaws, and other policies that establish our community norms and which comply with the law of the land.

The 2014 Annual Security Report documents crimes reported in the 2013 calendar year for the Marlboro campus, and provides an overview of policies and prevention programs. I encourage all community members to review this document to help enhance campus safety at Marlboro College and to know and use all safety precaution information and services that are available to you.

Marlboro College 2011-2013 crime statistics.

Policies for Preparing the Annual Disclosure of Crime Statistics as Required by The Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or the Clery Act is a federal statute codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 668.46. The Clery Act requires all colleges and universities that participate in federal financial aid programs to publish an annual security report by October 1st that documents three calendar years of campus crime and fire statistics and certain campus security policy statements.

To prepare the Annual Security Report, the Dean of Students coordinates and collaborates with many offices and departments across the College community. This report relies on information maintained by Marlboro College’s Dean of Students, provided by other College offices such as Residential Life and other Campus Security Authorities (CSAs), GPS and submitted by local law enforcement agencies surrounding the main campus and in other jurisdictions where the College controls or owns property. An annual review of all policies and procedures ensures that they are up-to-date and in compliance with the Clery Act and other federal laws and statutes.

Reporting Criminal Activity, Evacuation, and Other Emergencies

Reporting Criminal Activity
Response protocols for several types of emergencies that may also be crimes are described below. This section deals with how all crimes, including those about which more specific information is provided below, may be reported.

Marlboro College community members are encouraged to accurately and promptly report all crimes to the College and to law enforcement agencies in the applicable jurisdiction. To report a crime, you should call 911 for off campus law enforcement. During business hours you may also call 611 to speak to on campus emergency personnel. When you dial 611 during business hours, a call is placed to the Total Health Center, the Director of Plant & Operations, the Dean of Students, the Director of Housing and Residential Life, the Chief Planning and Budget Officer and the College Receptionist. Dialing 611 enables you to talk via an open conference call to these individuals so that response to the emergency may begin immediately. If you have already called 911, please inform the individuals on the line that this has occurred. If you are the victim of a crime and you do not want to pursue action with the College disciplinary systems or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Dean of Students can file a report with law enforcement without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving community members, determine whether there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the College’s Annual Security Report.
Evacuation and Other Emergencies

Anyone who observes a situation that presents an imminent threat to the campus is encouraged to first ensure that they themselves are safe and then call 911. If during business hours (Monday through Friday 8:30 AM to 4:30 PM) the observer should then call 611. If the emergency occurs after hours anyone who observes an emergency should contact the RA on-duty, the RA would then contact the on-duty Student Life Coordinator (SLC), who would then contact the Dean of Students (or the President if the Dean is unavailable). The members of the 611 team, the Dean of Students or the President will then determine if the perceived threat constitutes an emergency to the campus, beyond the immediate observer, and if the threat is either imminent or ongoing. If the threat is eminent or ongoing they will initiate the AMG alert system which can be activated by the President, the Director of Plant Operations, the Director of Housing, the Dean of Students, the Dean of Faculty, the Director of Housing and Residential Life, the Total Health Center Office Manager and the College Receptionist.

The Senior Official will determine the content of the AMG alert collaborating with the Dean of Students, Dean of Faculty, Director of Plant Operations and the Director of Marketing and Communications and others if possible. The alert will then go to the entire campus of either the undergraduate campus or the graduate center, whichever is immediately affected. The College has determined that anyone who could potentially be on campus should receive alerts. This includes undergraduate students, staff, faculty and students; and graduate staff and students.

In the event of an emergency that requires evacuation, the College will contact appropriate authorities, such as the Town Emergency Manager and the Brattleboro Red Cross, and request assistance, and would communicate instructions to the campus community via the AMG notification system.

The College conducts fire drills once a semester, unannounced, and will test its shelter in place system in spring 2015. Evacuation procedures are undergoing table top exercises with College managers, Selectboard representatives, the Marlboro Town Emergency Manager and Brattleboro representative of the American Red Cross. All students and employees are provided annually with the College’s Emergency Procedures document. Emergency procedures are updated each year before the fall semester. The College will document each test by describing the test, recording the date the test was held, the time the test started and ended, and whether the test was announced or unannounced.

Emergency Response Plan

The College’s Emergency Response Plan was developed for the Marlboro College community to respond to situations that threaten students, faculty, staff or property of the College. The following document outlines a framework for determining the level of response and provides contact information and protocols for a variety of events. Though the framework uses “Steps,”

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1 A full explanation of the AMG alert system is described in the Emergency Procedures on page 7.
each situation is unique and some deviation from the “Steps” is to be expected. Emergency situations are not equal. Different levels of response and different personnel may be required depending on the nature and severity of the incident.

**General Crisis Response**

Once you have contacted 911, *611 or the Student Life Coordinator (SLC), please follow their instructions for what to do next.

**Life Threatening Emergency**

- **Step 1 – Dial 911.**
  - The 911 System is linked to fire, rescue and police departments.
- **Step 2**
  - Business Hours – Dial *611. (Monday–Friday 8:30am–4:30pm). This will contact the on-campus emergency personnel. Callers should report the location and description of the emergency, and that 911 was called.
  - Non-Business Hours, Weekends & Holidays – Page the SLC at 1-877.730.6051 (4:30pm–8:30am weekdays and all day on weekends and holidays).
  - Please report the location, description of the emergency, and that 911 was called.

**Non-Life Threatening Emergency**

- **Step 1**
  - Business Hours – Dial *611. (Monday–Friday 8:30am–4:30pm). Callers should report the location and description of the emergency.
  - Non-Business Hours, Weekends & Holidays – Page the SLC at 1-877.730.6051 (4:30pm–8:30am weekdays and all day on weekends and holidays).
  - Please report the location and description of the emergency.

**Sexual Assault, Dating Violence, Domestic Violence and Stalking**

- If you have experienced Sexual Assault, Dating Violence, Domestic Violence or Stalking, find a safe location away from the person of concern (it need only be temporary) and call for help.
- For 24/7 confidential assistance, contact the campus Survivor Advocate at pager 802–742–4705 or office phone 802–258–9222. To make a report or seek assistance disciplinary or other action and accommodations, contact the Title IX Coordinator at 802 258-9238 [office], 802 257-7705 [home], 802 299-0581 [cell]; additionally you may seek her out in person by visiting her office on the first floor of Mather.
- If you are in imminent danger, call 911. All survivors of Sexual Assault, Dating Violence, Domestic Violence or Stalking are welcomed to, though not required to, file reports with law enforcement agencies. The College will offer to assist survivors in making contact with law enforcement if they choose to do so.
For information about the College’s Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence and Stalking policy, visit: https://nook.marlboro.edu/public/governance/handbooks/sexual_harassment

Emergency Contact Information

All enrolled students at the College, regardless of their living circumstances, should designate an emergency contact person. Every student (resident and non-resident) has their own student account and may enter or change, under personal information/address, a designated emergency contact person at any time by updating their contact information. Students should update their personal information at the beginning of each academic year and are solely responsible for the accuracy of the information provided and updating the information when needed.

To complete the Emergency Contact Information Form go to: https://nook.marlboro.edu/public/incoming/welcome and click on “Emergency Contact” under Health Information.

Crisis Alert Notification System (AMG)

The Director of Housing and Residential Life will contact all new community members asking for their preferred method of emergency notification (text, email or phone) via AMG alerts. A notification will be sent out to update this info twice a year.

When an emergency calls for all-campus notification, the following will take place:

- A text message, email or phone message will be sent according to what you signed up for with AMG Alerts.
- The website will be updated with any pertinent information.
- An email will be sent to all marlboro.edu addresses.
- The Dining Hall will become the central hub for communication. An “Emergency Board” will be set up with pertinent information and a member of the Senior Staff of the College (or their designee) will be stationed there until the emergency has been resolved.

*611

When you dial *611 during business hours, a call is placed to the Total Health Center, the Director of Plant & Operations, the Dean of Students, the Director of Housing and Residential Life, the Chief Planning and Budget Officer and the College Receptionist. Dialing *611 enables you to talk via an open conference call to one or more of these individuals so that response to the emergency may begin immediately. If you have already called 911, please inform the individuals on the line that this has occurred.

Public Relations

In order to coordinate information dissemination in the most effective manner possible, refer all press inquiries to the Director of Marketing and Communications at (802) 251--7644.

Bomb Threat

- Step 1 – Record all vital information, including:
  - The Caller ID number
● The location of the device.
● The time, if any, the device is scheduled to go off.
● The appearance or type of container used for the device.
● The reason for placing the device.
● The size of the bomb.
● The type of explosive used in the device.
● The name of the caller or organization taking responsibility.
● Any additional information that might be available.

● Step 2 – If possible, note the following information
  ● Caller’s Distinctive Voice
  ● Caller’s age
  ● Caller’s gender
  ● Any background noise heard during call
  ● Caller’s mental state
  ● Write down the Caller ID number

● Step 3 – Call 911.

● Step 4 – If this occurs during Business Hours, call *611 to alert the Emergency Team. If it’s after hours, weekends or a holiday, page the SLC at 1.877.730.6051.

If you see a suspicious object or a potential bomb, **DO NOT HANDLE THE OBJECT.** Clear the area and dial 911 and then either *611 (business hours) or page the SLC at 1.877.730.6051 (after hours, weekends, or holidays). Inform them that 911 has been called.

If there is an explosion:

● Immediately take cover under sturdy furniture
● Stay away from the windows
● Do not light matches
● Move well away from the site of the explosion to a safe location
● Use stairs only, do not use elevators

**Administrative Response:**

● The Crisis Alert Notification System will be enacted.

● The building in question will be evacuated (see Appendix I and II of the College’s Emergency Response Plan, available at: https://nook.marlboro.edu/sites/default/files/emergency_response_plan.pdf for predetermined safe zones). When evacuating the building, only use stairs. Do not use elevators. Move well away from the building and follow the instructions of emergency personnel at the scene.
Critical Injury and/or Death

- Step 1 – Call 911.
- Step 2 – If this occurs during Business Hours, call *611. If it’s after hours, weekends or a holiday, page the SLC at 1.877.730.6051.

Fire

- Step 1 – Evacuate (see Appendix I and II of the College’s Emergency Response Plan for predetermined safe zones).
- Step 2 – Dial 911.
- Step 3 – If this occurs during Business Hours, call *611 and page the Fire Chief at 802.742.1647. If it’s after hours, weekends or a holiday, page the SLC at 877.730.6051 and the Fire Chief at 802.742.1647.

Gas Leak or Hazardous Spill

- Step 1 – Cease all operations! Do not switch the lights or any electrical equipment on or off. Immediately page the Director of Plant and Operations at 802.742.1653.
- Step 2 – Evacuate (see Appendix I and II for predetermined safe zones).

Hostile Individual/Intruder

When an individual in a campus building or on campus is actively causing deadly harm or is posing the threat of imminent deadly harm to people.

- Step 1 – Immediately seek cover. Some recommendations:
  - Run away from the threat if you can, as fast as you can.
  - Do not run in a straight line. Use buildings, trees, shrubs, and cars as cover.
  - If you are in a building, lock yourself in classrooms, dorm rooms, and offices as a means of protection.
  - Stay low, away from windows and barricade their door(s) if possible and use furniture or desks as cover.
  - Be aware of alternate exits if it becomes necessary to flee.
  - If possible, cover any windows or openings that have a direct line of sight into the hallway.
  - If you decide to hide, take into consideration the area in which you are hiding. Consider: Will I be found? Is this really a good spot to remain hidden?
  - If the person(s) is causing death or serious physical injury to others and you are unable to run or hide you may choose to play dead if other victims are around you.
  - If hiding or playing dead, do not give away your position or stand up until the Police give the all-clear sign.
- Step 2 – Dial 911. Give as many details as possible relative to location, number of assailants, means of aggression and other pertinent information. Do not sound the fire alarm.
alarm to evacuate the building. People may be placed in harm’s way when they are attempting to evacuate the building.

Timely Warning Notices

The College sends “Timely Warning” notices to campus community members that are expedient, and will assist in the prevention of similar or related crimes. These notices provide information about campus crime and crime-related problems that pose a serious or ongoing threat to the campus community. When issuing a timely warning, Marlboro College withholds the names of victims as confidential.

In the event that a crime is reported through any campus security authority on- or off-campus that in the judgment of the Dean of Students, and the President or their designees, constitutes an ongoing threat to the campus community, the President or designee will prepare a timely warning report, known as a Crime Alert, and electronically distribute it to the entire campus community, thus providing timely warning of significant events with the potential for affecting the campus community. The warnings are issued through the AMG mass notification system, which when sent goes immediately to the contact method of choice for all faculty, staff and students and includes information on the crime or incident that precipitated the timely warning. The intent of the warning is to assist in the prevention of similar and related crimes or incidents and to enable the community to take protective action against similar occurrences.

Additionally, special printed crime alerts may be prepared and distributed either selectively or throughout the campus.

Whether to issue a timely warning notice is determined on a case-by-case basis. Marlboro College makes every effort to issue a timely warning or crime alert within 24 hours of the time the crime is reported; however, it may take longer to confirm all pertinent and meaningful information.

In determining whether to issue a Timely Warning, Marlboro College will consider any factors reflecting whether the alleged crime or incident represents a serious or continuing threat to the College community, including, but not limited to,

- the nature of the incident;
- when and where the incident occurred;
- when it was reported;
- the continuing danger to the campus community;
- the amount of information known by College;
- the active involvement of law enforcement in the investigation of the crime;
- whether issuing a timely warning might risk compromising law enforcement efforts; and
whether an alleged perpetrator has been identified.

Security of, and Access to College Facilities and Building Security

Marlboro College offers many activities and programs that are open to the public. For the most part, the campus and its buildings (excluding residential facilities) are also open to the general public during business hours. Most College academic buildings are open during non-business hours and on weekends.

A security officer routinely enters buildings to provide service during after-business hours and through the night. Visitors to the Residence Halls that stay overnight with friends, must be registered according to the Guest Policy. Employees, students and visitors are encouraged to report suspicious individuals or activity, and request assistance by dialing* 611 or 911 from an on-campus phone during business hours, and by dialing 911 after hours.

Considerations for Residence Halls

Marlboro College operates coeducational residence halls, and cottages on campus for undergraduates, and on-campus residences for Academic Fellows.

There are a total of 22 different residential facilities at Marlboro, which house approximately 85% of undergraduate students on-campus. All others reside in private homes or apartments in neighboring communities, most notably in Brattleboro, VT. Marlboro does not oversee non-College owned off-campus housing and is not involved in safety oversight of this housing.

Professional Student Life Coordinators as well as student Resident Assistants reside in the undergraduate residence halls, and are available on a regular basis. All Residential Life staff members undergo training in safety and security policies, and participate in on-call emergency response procedures.

Students are provided individual keys to open their assigned individual room or cottage, are encouraged to lock their doors at all times, and to promptly report the presence of any suspicious persons or unusual activities in the residence halls.

Security Considerations for the Maintenance of Campus Facilities

The Office of Plant & Operations/Maintenance manages and maintains College buildings and grounds with a concern for safety and security. Personnel inspect campus facilities regularly, making repairs and responding to reports of potential hazards such as broken windows and locks. The Student Life on-call system is available after regular business hours, and during weekends, to respond to emergency situations involving campus facilities. Additionally, the Hunter North
officer assists the Office by reporting potential safety and security hazards. To report a facilities-related concern either, email maintenance@marlboro.edu, or by filling out a work order. Students, faculty and staff may also call Plant & Operations at 802 258-9246 (x246 from Campus phones) to report any urgent maintenance problems during normal business hours. If an urgent situation needs to be reported when the Office is closed, please page the Student Life Coordinator at 1-877-730-6051.

The College has implemented the following processes to constantly review and enhance physical security of the campus.

**Lighting and Grounds Surveys**

Plant and Operations/Maintenance conducts surveys of the campus evaluating lighting, shrubbery, and grounds to enhance campus safety. The recommendations and findings are forwarded to the appropriate departments in the College for their attention. The survey also includes notes of malfunctioning equipment on both College and town owned property. The College also routinely surveys shrubbery and trees to ensure clear, unobstructed visibility for students, employees and guests who walk from building to building.

**Security Surveys**

Surveys are conducted to help identify security concerns in any College office or residential area. The surveys are free and used to improve safety by altering design or procedures in the workplace or living space. Trained personnel will visit the area and document recommended changes to create a safer and more secure area.

**Emergency Housing**

The Room of Requirement (RoR) is an emergency housing location available for students who are experiencing a level of crisis that requires an immediate relocation in their housing. Crisis situations which would necessitate this kind of placement might include maintenance emergencies in a dorm, sudden, sexual or other kind of assault, contagious illness which does not necessitate hospitalization, or immediate transport to medical services. The length of placement in the Room of Requirement is decided on a case-by-case basis to meet needs.
**Crime Prevention through Environmental Design**

The Buildings and Grounds committee, and Plant Operations members assist with design concerns (new building site or renovation) as they relate to crime prevention. These issues include four basic design considerations: territoriality, access control, surveillance and maintenance. Some examples of these considerations are the placement of emergency telephones, office design, positive barrier placement, lighting, ground maintenance (reduction of overgrowth, blocking of lighting, etc.), and individual safety recommendations for the designated area.

**Accessibility**

Marlboro College is committed to maintaining a campus environment that is accessible to individuals with disabilities. College administration consults and collaborates with external experts and across the institution, on access and disability compliance for prospective and currently enrolled students; prospective and current employees; and guests, including developing policies and practice, reviewing the accessibility of programs and services, and evaluating facilities access. Student Accessibility and Disability Services provides resources to students to ensure that the programs, services, and activities of Marlboro College are accessible to, and usable by, students with disabilities.

**Relationship with Law Enforcement**

No Marlboro College officials have law enforcement authority. The College works as necessary with local law enforcement agencies. The College does not maintain any memoranda of understanding with law enforcement authorities. Law enforcement protection for the undergrad campus is provided by the Vermont State Police Department located at 464 Marlboro Road Brattleboro, VT [phone (802) 257-7101]; protection for the graduate campus is provided by the Brattleboro Police Department located at 230 Main St. Brattleboro, VT [phone (802) 257-7946]. Protection for both campuses is provided by the Windham County Sheriff’s office located at 11 Jail St, Newfane, VT [phone (802) 365-4941].

**Off-Campus-Located Student Organizations**

The College does not have any officially recognized student organizations with off-campus locations.
Disclosure to Alleged Victims

The College will, upon written request, disclose to the alleged victim of a crime of violence as defined by the Clery Act and the law incorporated by reference therein, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim has died as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of such notification.

Crime Prevention Education and Awareness Programs

Please See: [http://www.marlboro.edu/community/campus_safety](http://www.marlboro.edu/community/campus_safety)

Marlboro College coordinates crime prevention and safety awareness programs to educate members of the campus community about safer practices. These programs seek to minimize criminal opportunities whenever possible and to encourage students, faculty and staff to assume responsibility for their own security and the security of others. Other offices at Marlboro, including Student Life, Plant & Operations/Maintenance and Residential Life are also involved in maintaining a safe and secure campus environment.

Personal Responsibility

The cooperation and involvement of all members of the College community (students, faculty, staff, guests and visitors) in a campus safety program are essential. Community members can and should assume responsibility for their own personal safety and the security of their personal belongings by taking simple, common sense precautions.

Room doors should be locked at all times to provide the best security to the occupants and their possessions. Cars should be locked at all times, and valuables that must be kept in the car should be locked in the trunk or covered from outside view if there is no trunk. It is important to promptly report any suspicious persons, activities or unusual incidents in residence halls or other campus facilities or grounds.

Crime Prevention Education and Safety Awareness Programs

In an effort to promote safety awareness, Marlboro College offers educational opportunities for students, faculty and staff on a regular basis. During the course of the year, crime prevention and safety programs are provided through the Title IX Coordinator/Clery Compliance Officer, the Office of Sexual Respect & Wellness, Residential Education, Outdoor Programs in the residence halls, for College offices, and across the campus on a regular basis.

Safety issues are incorporated in student orientation programs at the beginning of each semester, and form part of new employee introductions to the work environment. All community members are made aware of policies and prevention programs regarding sexual misconduct, alcohol and other drug abuse, and fire safety. Dorm Charters are established in each residence hall by trained...
Resident Assistants, and Residential Life personnel to ensure community safety and wellbeing for living arrangements.

**Residential Life**

Residents are made aware of how to contact emergency services for medical, maintenance, or personal safety reasons as part of their orientation to living on campus. Residential Life provides emergency response after business hours through the student Resident Assistant program and Student Life Coordinators. Tertiary consulting response is provided by the Dean of Students, Director of Housing & Residential Life and Director of the Total Health Center. Residents are trained in how to access emergency personnel via pager between the hours of 4:30pm and 8:30am. During business hours, residents and all campus community members are trained in how to access the emergency response team by dialing *611 from any campus landline phone. RAs and SLCs are all First Aid certified and are fully trained in the following areas:

- Fire Safety Protocol
- Sexual Assault Bystander Intervention
- Suicide Prevention
- Maintenance related systems, including proper thermostat operation
- Campus Emergency Plan Protocols for evacuations or catastrophic events including bomb threats, dangerous intruders, or weather related emergencies (floods, ice storms, etc.)

**The Outdoor Programs Office**

Outdoor Programs conducts safety trainings on a regular basis to students and other community members who can become certified in Wilderness First Response [WFR] training, Climbing Wall Monitor training, woods camping skills training, and certification trainings in rock-climbing, paddling, caving etc. Trail grooming trainings for snowmobile and chainsaw use are also offered to help maintain Marlboro’s extensive hiking trails for year-round use.

These trainings exist to reduce the risk inherent in outdoor activities. In addition, the Director and the Program’s core of trained student leaders offer consultation services to other campus groups or departments around risk mitigation procedures. Program standards are congruent with industry standards as follows;

- Paddling - American Canoeing Association [ACA]
- Climbing - American Montain Guides Association [AMGA]
- Sea Kayaking - British Canoe Union [BCU]
- Caving - National Speleogical Society [NSS]
- Camping/Wilderness group travel - Wilderness Education Association [WEA]
Sustainable practices = National Outdoor Leadership School - Leave No Trace [NOLS LNT]

**Sexual Misconduct, Dating Violence, Domestic Violence and Stalking Awareness Education & Prevention**

All faculty and staff, and any other identified mandated reporters such as Resident Assistants and Bridges Trip Leaders [Responsible Employees] receive annual training and education. Annual workshops surrounding the issues of sexual assault, dating violence, domestic violence and stalking are offered to the whole community, including bystander intervention training. Incoming students experience an awareness and prevention workshop during New Student Orientation. Responsible Employees and Campus Security Authorities [CSAs] are trained in requirements for mandatory reporting procedures and relevant Marlboro policies. College officials involved in investigating and adjudicating disciplinary proceedings related these types of misconduct receive, at a minimum, annual training on the issues related to dating violence, domestic violence, sexual assault and stalking, and on how to conduct an investigation and adjudication process that protects the safety of victims and promotes accountability.

**Daily Crime and Fire Log**

Marlboro College maintains a combined Daily Crime and Fire Log of all crime and fire incidents reported to the College. The log is available to members of public through the Dean of Student’s Office. This log identifies the type, location, and time of each criminal incident and fire reported to the College. The fire logs are posted at the Mather Building Side Breezeway Entrance.

**Weapons and Firearms Policies**

(Excerpted from Marlboro Student Handbook)

No weapons or ammunition may be brought or kept by students on campus at any time. Such weapons include, but are not limited to, firearms of any kind, air or gas powered guns, cross bows, sling shots, as well as fireworks, explosives, and explosive devices of any type. The administration reserves the right to determine what is and what is not a controlled item under this policy, and to search all College premises for such materials at any time and without warning.

The Plant and Operations staff, in consultation with the Fire and Safety Committee, will establish a clearly marked and advertised Safety Zone.

   It shall be unlawful to:
1. Discharge firearms on college party within the Safety Zone;
2. Carry or possess loaded or unloaded firearms on college property within the Safety Zone;
3. Possess explosives or ammunition on college property within the Safety Zone;
4. Violation of the statutes of the state of Vermont with respect to firearms, by the students of
Marlboro College, may be considered as violations of the Firearms Regulations of Town Meeting.

5. The President or his/her designee may move to immediately bar any violator of the Firearms Regulations from campus pending a community court hearing.

6. Those community members who wish to have firearms may be referred to the director of Plant and Operations as to where to store their firearms off-campus.

**Missing Student Notification Policy**

(Excerpted from [Emergency Response Plan](#))

Anyone who believes a student to be missing for a period exceeding 24 hours should immediately report their concern to the Dean of Students (802.258.9238), the Director of Housing & Residential Life (802.258.9232) or a Student Life Coordinator (877.730.6051). Any report of a missing student will be fully investigated by appropriate personnel under the coordination of the Dean of Students. In order to determine if a student is missing, College officials will check a student’s card access records, class attendance, student residence, and use other methods to determine the status of a missing student. Marlboro College will notify appropriate local law enforcement agencies immediately regarding a missing student report. If the student has designated an emergency contact person, the College will notify that individual as well.

*Note for students under age of 21: Suzanne’s Law requires law enforcement to notify the National Crime Information Center (NCIC) when someone between the age of 18 and 21 is reported missing, as part of the national “Amber Alert” bill. This Federal law is named for Suzanne Lyall, a State University of New York at Albany student who has been missing since 1998.*

In compliance with the Federal Higher Education Opportunity Act, federal law, 20 U.S.C § 1092j, a student may identify an individual to be contacted by the College not later than twenty-four (24) hours after the time circumstances indicate that the student may be missing. The student should notify the Emergency Contact that he or she has been designated as an Emergency Contact. For students under age eighteen (18) and not emancipated, Marlboro is required to notify the custodial parent not later than twenty-four (24) hours after the time the student is determined to be missing. The College is also required to notify local law enforcement within twenty-four (24) hours of the determination that a student is missing, unless local law enforcement was the entity that made the determination that the student is missing.

Students are advised that their contact information maintained for purposes of this missing student policy will be registered confidentially, that this information will be accessible only to authorized campus officials, and that it may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.
Maintaining a Drug-Free Campus

Marlboro College’s Alcohol and Other Drug Policy is located in our Constitution & Bylaws Article XV, and is also reproduced at Appendix 3 below.

In efforts to promote a healthy and informed environment, several student and community organizations educate the Marlboro community to make health-positive choices. The Student Health and Peer Education Resources (SHAPERs), a peer-education student group sponsors events and initiatives such as eCHECKUP TO GO and Smart Party that promote safety awareness regarding healthy alcohol use and decision-making skills. eCHECKUP TO GO is an online assessment tool that evaluates students’ usage and gives feedback, resources, and guidance for making changes in their habits. Smart Party education emphasizes alternatives to substance use in social situations, and simulates college-party environments for learning through role-playing.

Medical and Counseling services are available through the Total Health Center and include referrals to area resources.

Applicable federal and/or state laws regarding the unlawful possession and use of alcohol and other drugs are described in Appendix 3 below.

Sex Offenses, Title IX and VAWA

At Marlboro, we believe that one sexual assault is one too many. Marlboro is taking action to strengthen an environment in which sexual assault and gender-based harassment are not tolerated. We are committed to the safety and wellbeing of every member of our community.

Marlboro complies with Title IX of the Higher Education Amendment of 1972, which prohibits discrimination on the basis of sex in education programs or activities. The College is firmly committed to maintaining an educational, residential, and work environment in which sexual and gender-based harassment, domestic violence, dating violence, and stalking are not tolerated. The College is dedicated to providing individuals affected by sex discrimination and gender-based harassment sources of support and avenues of redress. When these incidents are brought to the College’s attention, Marlboro will take prompt and appropriate action to end the misconduct, prevent its recurrence, and address its effects.

The College also complies with the mandates enacted by the reauthorization of the Violence Against Women Act (VAWA) in March 2013 and the amendments to the Clery Act.

The College has a dedicated Title IX Coordinator who also serves as the Clery Act Compliance Officer.

The Title IX Coordinator provides institutional leadership in ensuring the College is in compliance with related federal law and state statutes; oversees the centralized review, investigation and resolution of all complaints related to sexual violence, gender-based harassment, dating or domestic violence, or stalking; and ensure a fair, equitable, and prompt
Contact The Student Life Coordinator for Sexual Respect and Wellness —Amanda Powers— if you wish to understand your options if you think you may have encountered sex discrimination, sexual violence, gender-based harassment, dating or domestic violence, or stalking; learn of a situation that you feel may warrant a review or investigation; or need help on how to handle a situation by which you are indirectly affected; seek guidance on possible remedies, interim measures or administrative actions to address a difficult situation; or have questions about Marlboro’s policies and procedures.

Preventing and Responding to Dating Violence, Domestic Violence, Sexual Assault and Stalking

Reporting and Disciplinary Procedures for a Complaint of Sexual Misconduct

Information about the College’s policies against dating violence, domestic violence, sexual assault and stalking, applicable definitions, and applicable procedures are outlined in detail below in Appendix 4 below, and should be read by community members as an important and integral part of this Annual Security Report. Such information is also provided separately on the College’s web site at the following URL: https://nook.marlboro.edu/public/governance/handbooks/sexual_harassment.

Vermont Criminal Code – Sexual Assault
http://www.leg.state vt.us/statutes/sections.cfm?Title=13&Chapter=072

Also see definitions in Appendix 4.

In cases involving reported reports of dating violence, domestic violence, sexual assault and stalking, the College will provide a prompt, fair, and impartial process from the initial investigation to the final result. In the context of College disciplinary proceedings, both the complainant and the respondent will have the same opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. The College will notify the complainant and respondent simultaneously of: the result of any institutional disciplinary proceeding that arises from a report of dating violence, domestic violence, sexual assault or stalking; the College’s proceedings for the complainant and respondent to appeal the result of the institutional disciplinary proceeding, if such procedures are available; any change to the result; and when such results become final. The College’s proceedings regarding such types of misconduct will be completed within reasonably prompt timeframes designated by College policy, including a process that allows for the extension of timeframes for good cause with written notice to the complainant and the respondent of the delay and the reason for the delay. Such proceedings will be conducted in a manner that is consistent with the College’s policies and transparent to the complainant and the respondent, includes timely notice of meetings at which the complainant or the respondent may be present, and provides timely and equal access to the complainant, the
respondent, and appropriate College officials to any information that will be used during
informal and formal disciplinary meetings and other proceedings. College investigations and
proceedings related to such matters will be conducted by officials who do not have a conflict of
interest or bias against the complainant or the respondent. College policy prohibits retaliation,intimidation, threats, coercion or related discrimination against any individual on the basis of
such individual’s exercising their rights or responsibilities related to reporting or the College’s
investigation or adjudication of reports of the types of misconduct discussed in this paragraph.

Information about Sex Offenders

Campus community members may obtain information concerning registered sex offenders, as
maintained by the State of Vermont, by visiting the following website

Workplace Violence
Mutual Respect Policy/Anti-Harassment
(Excerpted from Marlboro College Staff Handbook)

Marlboro College is committed to preserving an environment conducive to academic and
professional excellence. This can only exist when every community member actively promotes
an atmosphere of mutual respect. This policy is not intended to inhibit the free and open
exchange of ideas, essential to Marlboro College’s principles, but rather to provide all
community members the respect that will encourage their positive and honest participation.

Harassment is defined as any type of behavior that is so severe or pervasive that it interferes with
an individual’s work or academic performance or creates an intimidating, hostile or offensive
work or academic environment. Harassment may include any unwanted physical contact; use of
epithets, inappropriate jokes, comments or innuendos; obscene or harassing telephone calls,
e-mails, letters, notes or other forms of communication. Harassment in any form is against the
policies of Marlboro College and in many cases, it is also illegal under state and federal law.

Those found to have violated this policy will be subject to corrective action up to and including
termination of employment. Harassment complaints regarding a staff member should be
reported to the Compliance Coordinator, who will initiate an investigation of the complaint.
Upon gathering all information relative to the harassment complaint, the human resources office
will convene a committee according to step four of the grievance policy procedure. Should the
committee find that harassment has occurred; the human resources office and the individual’s
supervisor will apply discipline according to the corrective action policy. Retaliation against an
individual who complains of harassment under this policy is strictly prohibited. Intentionally
making a false accusation of harassment is also strictly prohibited.

Certain kinds of treatment based on gender, race, color, ethnicity, national origin, age, disability,
religion, sexual orientation, gender identity or expression, or veteran status are also covered
under the Marlboro College non-discrimination policy. Please refer to this policy in the
appendix if the harassment is relative to employment or employment decisions.
Annual Fire and Safety Report

Annual fire statistics are reported and published on October 1st every year to reflect the previous calendar year.

The Higher Education Opportunity Act enacted on August 14, 2008, requires those institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. Appendix 3 provides the definitions for the fire safety terms used within the Annual Fire Safety Report.

The following report details all information required by this act for Marlboro College.

Crime / Fire Statistics

Marlboro’s Fire & Safety Commission, which is composed of Student Life, Plant & Operations, and trained student fire-safety officers records information on all reported fires and tripped fire alarms. This information is recorded in the Daily Crime and Fire Log located at Mather Building Side Breezeway Entrance, and also is reported in the online Incident Report system for Residential Life. Data collected includes, but is not limited to, the building name; the general location of the fire, the alarm location; the time and date of the fire; the number of fires and cause of each fire; any and all injuries; any fatalities; and dollar values for property damaged by the fire.

Fire Safety Policies and Procedures

In addition to the physical security features of each residence hall, the College provides a number of life safety features in most on-campus student housing; these include: sprinklers, kitchen fire suppression systems, fire alarm systems, fire extinguishers, etc.

The College takes life safety issues very seriously and regularly consults with the Marlboro Volunteer Fire Department on issues relating to fire safety. The Marlboro Volunteer Fire department is located approximately 1 mile from the main campus, which allows for quick response to any fire alarm or other emergency. Our student fire-safety officers are frequently trained as members of the Marlboro Volunteer Fire Department. In addition, and in cooperation with the Marlboro Volunteer Fire Department, the College conducts two (2) fire drills during the calendar year for each on-campus residential facility. College Fire Safety and Emergency Evacuation information is posted in the Emergency Response Plan.

Policy on Portable Electronic Appliances, Smoking, and Open Flames in Student Housing Facilities

As part of our institutional fire safety and prevention efforts, the College has implemented the
following policies, with the noted exceptions:

Electronic Appliances

The following items are not permitted in campus residential facilities:

- Portable space heaters, Electrical appliances with a heating element, Hot plates, Toasters, Rice Cookers, Electric, propane gas or charcoal grills, Torchiere style halogen lamps, or any halogen lamp with a bulb of 100 watts or greater
- 2.4 GHz cordless telephones as they interfere with the College's wireless network
- Flammable liquids or gases

Smoking

Smoking is not permitted in any College-owned residential facility.

Open Flames

Marlboro prohibits open flame devices in on-campus residential facilities; however, in maintaining a residential community, we must balance the safety of all community members in relation to the belief system of individual members of the community. In order to do this, we require that students who wish to maintain an open flame for religious or spiritual observance submit a request to the Fire and Safety Commission in either written and/or verbal form. The request must be submitted and approved prior to the lighting of any open flame.

Description of Student Housing Fire Safety Systems

Student Housing Emergency Evacuation

What to do in case of a fire

Students are encouraged to know where the closest emergency exits are in relationship to their room. In the event of an emergency involving a residential facility, evacuation may be required. If a fire alarm is enunciating in a resident hall, students should immediately exit the building using the stairwells. Students should not use the elevators in a fire emergency. If you see smoke or see fire and the fire alarm system has not activated, pull the nearest pull station as you leave the building. Students should not investigate the cause of the fire and should proceed immediately to the nearest emergency exit. Do not try to bring any items with you. Once outside of the building students should move away from the building to a safe location and remain there. Responding emergency personnel will evaluate the emergency and take appropriate action to address the emergency. No reentry into the building is allowed until the authorized emergency
responders declare the building safe.

Fire Incident Reporting

Students, faculty, and staff are instructed to contact the emergency response team number by calling *611 in the event of a fire emergency during business hours between 8:30am–4:30pm. Any fire in progress in any building on campus should be reported immediately to the Marlboro Volunteer Fire Department by dialing (7) 911 (either will work) or by pulling a manual fire alarm pull station on the main campus.

Fire Safety Education and Training

Marlboro’s Fire and Safety Commission provides information to all community members via regular all campus communications or in person meetings regarding policies and procedures including parking regulations, fire drills, and fire alarms.

Plans for Future Improvements in Fire Safety

Marlboro continues to monitor trends related to residence hall fire incidents and alarms to provide a fire safe living environment for all students. New programs and policies are developed as needed to ensure the safety of all students, faculty and staff.

MARLBORO COLLEGE 2013 FIRE STATISTICS
<table>
<thead>
<tr>
<th>ON CAMPUS</th>
<th>OFF CAMPUS</th>
</tr>
</thead>
</table>
| **Title IX Coordinator**  
Dean of Students  
Xenia Markowitz  
Mather Building  
Tel: 802 258-9328  
xenia@marlboro.edu | Vermont State Police  
464 Marlboro Street  
Brattleboro, VT 05301  
802 257-7101, 911 |
| **Office of Sexual Respect and Wellness**  
Gander 2  
Amanda Powers, educator and survivor advocate  
Tel: 802 358-9222  
24/7 Pager: 802 742-4705  
apowers@marlboro.edu | Brattleboro Police Department  
230 Main Street  
Brattleboro, VT  
802 257-7946 |
| **Plant Operations**  
Plant Operations Building  
Dan Cotter, director  
Tel: 802 258-9297  
dcotter@marlboro.edu | Windham County Sheriff's Office  
11 Jail Street,  
Newfane, VT 05345  
Tel: 802 365-4941 |
| **Student Life Coordinators**  
Sebastian Ascanio  
Amanda Powers  
Jim Bueche  
After-Hours Pager: 877 730-6051 | Women's Freedom Center  
[to protect clients, the WFC does not publish its address]  
womensfreedomcenter.net  
24-hour hotline: 802 254-6594 |
| **Total Health Center**  
Counseling and medical services  
Campus Student Center  
Max Foldeak, director  
Tel: 802 258-9335 | |
Appendix 1: Clery Definitions of Reportable Crimes

Crime and Location Classification Definitions

Where

1) On-campus property: Offense statistics for any building or property owned or controlled by the College within the same reasonably contiguous geographic area and used by the College in direct support of, or in a manner related to, the College’s educational purpose, including buildings or property the location described herein that is owned by the College but controlled by another person and which is frequently used by students.

2) On-campus residential buildings

3) Non-campus property: Offense statistics for non-campus property or building owned or controlled by the College that is frequently used by students and is not within the same reasonably contiguous geographic area of the institution, or any building/property that is owned or controlled by a student organization that is officially recognized by the institution.

4) Public property: Offense statistics for public property located immediately adjacent to and accessible from campus, including: thoroughfares, sidewalks, streets, lands, parks, and trails.

For CLERY purposes, the student status of the offender or the victim is not a relevant fact as to whether or not this report form is to be completed. If a violation of the following offenses occurs, documentation is required. CLERY documentation is not satisfied by simply directing/referring the reporting party to the police department. In order for the College to satisfy the statistical reporting requirements of the Clery Act, all CSA’s are required to complete this form when certain of the specified offenses list below are reported to them.

What

Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

A weapon is any commonly known weapon (gun, knife, club, etc.) or any other item which, although not usually thought of as a weapon, becomes one in the commission of a crime. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon that could cause serious personal injury is used.

Domestic violence

Includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

Dating Violence

Violence by a person who has been in a romantic or intimate relationship with the victim.
Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

**Stalking**
A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.

**Arson**
Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property of another, etc.

**Burglary**
The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Drug Law Violations**
Violations of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics-manufactured narcotics which can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Illegal Weapons Possession**
The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Included in this classification is the manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.

**Liquor Law Violations**
The violation of state or local laws or ordinance prohibiting the manufacture, sale, purchases, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Included in this classification is the manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned.

**Motor Vehicle Theft**
The theft or attempted theft of a motor vehicle. (Included in this classification are all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned. Joyriding is included in this classification).
Murder and Non-negligent Manslaughter
The willful (non-negligent) killing of one human being by another.

Negligent Manslaughter
The killing of another person through gross negligence.

Robbery
The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence, and/or by putting the victim in fear.

Sex Offenses-Non-Forcible
Unlawful, non-forcible sexual intercourse.
A. Incest Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
B. Statutory Rape Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Sex Offenses-Forcible
Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.
A. Forcible Rape The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
B. Forcible Sodomy Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
C. Sexual Assault with an Object The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
D. Forcible Fondling The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Hate Crimes
We are also required to report statistics for bias-related (hate) crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug abuse violations and/or weapons: possessing carrying, etc. (see definitions on the front page) and larceny-theft, destruction/damage/vandalism of property, intimidation, and simple assault (see definitions below).

Larceny: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
Vandalism: To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

A bias-related (hate) crime is not a separate, distinct crime, but is the commission of a criminal offense that was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the victim's race, sexual orientation, etc. the assault is then also classified as a hate crime. Bias categories are as follows:

<table>
<thead>
<tr>
<th>Race</th>
<th>Religion</th>
<th>Ethnicity/National Origin</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
<td>Sexual Orientation</td>
<td>Disability</td>
</tr>
</tbody>
</table>

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Appendix 2: Fire Safety Definitions

**Arson**
Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Cause of fire**
The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

**Fire**
Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Fire Drill**
A supervised practice of a mandatory evacuation of a building for a fire.

**Fire-related Injury**
Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term person may include students, faculty, staff, visitors, firefighters, or any other individuals.

**Fire-related Death**
Any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire, or who dies within one year of injuries sustained as a result of the fire.

**Non-Campus Student Housing**
Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**On-Campus Student Housing**
A student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within a reasonable contiguous area that makes up the campus.

**Fire Safety System**
Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire, including:
sprinkler or other fire extinguishing systems
fire detection devices
stand-alone smoke alarms
devices that alert one to the presence of a fire, such as horns, bells, or strobe lights
smoke-control and reduction mechanisms
fire doors and walls that reduce the spread of a fire

Value of Property Damage

The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity, including:

- contents damaged by fire
- related damages caused by smoke, water, and overhaul
- but not including indirect loss, such as business interruption
Appendix 3: Alcohol & Other Drug Policy

Article XV from the Marlboro College Constitution & Bylaws

A. Preamble: Marlboro College has the responsibility as a community to make public and maintain a policy on the use of alcohol and other drugs. This policy must reflect federal and state laws, while also remaining sensitive to the character of the Marlboro College community and the values that this community upholds. While employees of Marlboro College are held to specific standards and expectations regarding the enforcement of the college’s policy, all members of the college community share responsibility for upholding the spirit and the terms of the college alcohol and drug policy. Students are adults and are expected to obey the law, and to take personal responsibility for their actions. The Dean of Students office and the Total Health Center will provide educational efforts that increase knowledge and understanding of alcohol and other drugs and related issues.

Abuse of alcohol and other drugs, either illicit or prescribed, threatens individual health, compromises educational development, and undermines community integrity. A summary description of certain health risks associated with the abuse of alcohol and illicit drugs is presented in the APPENDIX to this section of the HANDBOOK. Detailed information is available through the Total Health Center.

This Alcohol and Other Drug Policy was developed through the joint participation of students, faculty, and staff. It has been approved by the President and Town Meeting with the expectation that all community members will be familiar with and abide by the principles and particulars of this policy. As this policy is part of the Marlboro College Handbook, all students will sign acknowledging receipt of the handbook either at the start of the Fall semester or at the start of their first semester at Marlboro College. The Select board will review this policy biennially.

B. Alcohol

1. Relevant Vermont State Law
   a. Persons under 21 years of age may not possess or consume alcohol, nor may they falsely represent their age in order to procure alcohol. (7 V.S.A., § 656).

   b. No person shall furnish alcohol to a person under 21 years of age. No person may knowingly create a direct and immediate opportunity for a person under 21 years of age to consume alcohol. (7 V.S.A., § 658).
c. Individuals are liable under the law if they furnish alcohol to another individual either apparently under the influence of alcohol (defined as, —a state of intoxication accompanied by a perceptible act or series of actions which present signs of intoxication‖) or reasonably likely to be under the influence of alcohol as a result of the amount of alcohol served to that person. These person furnishing the alcohol is liable whether they have caused intoxication in whole or in part (7 V.S.A., §501).

d. Vermont laws and applicable sanctions regarding the possession and distribution of alcohol, and Vermont drunk driving laws are summarized in the APPENDIX to this section of the HANDBOOK.

2. College Regulations

a. As required by federal statute, Marlboro College prohibits the unlawful possession, use, or distribution of alcohol by students and employees on college property or as a part of any of its sponsored activities. In particular individuals under the age of 21 are prohibited from possessing or using alcohol and no Marlboro College community member may distribute alcohol to other community members except in a manner consistent with State Law.

b. No alcoholic beverages will be served to persons less than 21 years of age at college events or events even partially funded by Town Meeting. Sponsors of events are therefore required to check the ages of those being served alcohol.

c. Sponsors of college social events at which alcohol is served are responsible for ensuring that the amount of alcohol served does not lead to excessive drinking. The college urges sponsors of such events to keep all alcoholic beverages behind the bar so that only those assigned to pour do so. In accordance with State Law, the college prohibits serving alcoholic beverages to anyone who is intoxicated.

d. Sponsors of any college social event who serve alcohol will also serve a nonalcoholic beverage and food, both in an amount that will last the duration of the event.

e. Sponsors of any college social event who serve alcohol will provide a Sober Driver program.

f. The college forbids any coercion to drink and discourages any kind of group pressure to drink alcohol.

7. Individuals or groups who wish to purchase kegs for non-Social Committee or nonofficial college events at the college (such as a private party in a common room) must register the keg with the Dean’s Office at least two working days before it is being brought on
campus. The purpose of registration is to ensure that the sponsors of the keg fully understand the law regarding alcohol distribution and the serious liability involved with sponsoring a keg.

8. Alcohol-related behavior that causes or can reasonably be expected to cause physical harm to persons or damage to property or is unreasonably disruptive will be subject to college discipline through the Community Court.

i. As the college currently does not possess a liquor license, alcoholic beverages or kegs as described in sections 2b, 2c, 2d and 2g may only be served by hiring the services of an outside caterer with a liquor license.

3. Individual and Community Guidelines
a. The college encourages application of the specific college regulations and the general spirit of the policy at all privately held events.

b. In an effort to further the college’s dedication to personal growth and responsible, safe living, the college encourages persons concerned about their own behavior to seek advice or assistance through the Resident Assistants, the Student Life Coordinators, the Total Health Center Staff or the Deans. Furthermore, the college encourages persons concerned about the behavior of another to communicate with that person urging him or her to seek advice or assistance through college support offices.

Counseling and medical resources are available on a confidential basis.

c. The college encourages all efforts to provide education and information regarding alcohol and drug-related issues and will publish and distribute information about local alcohol counseling and guidance resources. The college will arrange transportation for individuals seeking support outside the college area.

C. Other Illegal Drug Use

1. Vermont State Law
a. Marlboro College supports Vermont State laws pertaining to the possession and distribution of illicit drugs. These laws prohibit the use, sale, or possession of regulated substances without a prescription. In the event that a member of the community becomes subject to legal action for the violation of these laws, the college will review the individual’s status and will take appropriate disciplinary action. Federal and Vermont State Laws and applicable sanctions concerning regulated drugs are summarized in the APPENDIX to this section of the HANDBOOK.

2. College Regulations
a. Marlboro College views the use, possession, manufacture, or distribution of non-prescribed narcotics, amphetamines, barbiturates, hallucinogens, or cannabis as a threat to the health, safety, and welfare of the individual, the college community, and the educational mission of the college.

b. Abuse of alcohol and drugs, either illicit or prescribed, threatens individual health,
compromises educational development, and undermines community integrity. A summary description of certain health risks associated with the abuse of alcohol and illicit drugs is presented in the APPENDIX to this section of the HANDBOOK. Detailed information is available through the Health Center.

3. Individual and Community Guidelines

a. The college encourages individuals needing help as a result of their drug use, to contact a Resident Assistant, a Student Life Coordinator, a member of the Total Health Center staff (Health and Psychological Counseling offices), or the Deans. Further, the college encourages persons concerned about the behavior of another to communicate with the other, urging him or her to seek advice and/or assistance through appropriate college support offices. Counseling and medical resources are available on a confidential basis.

b. The college supports all efforts to provide education in the area of drug abuse and supports individuals seeking help with drug-related problems. Information on local drug counseling and assistance programs is available through the Health Center, and the college will arrange transportation when necessary for individuals seeking help outside the college. A partial list of community services available in the area is presented in the APPENDIX.

D. College Action – The following chart was created to inform community members as to how the college would typically respond to a violation of the Alcohol and Other Drug Policy. As each case is unique with its own specific set of circumstances, the chart should be read as a general guide and not as a prescriptive list of college action. Failure to follow through with any of these sanctions will result in further college action. Any action taken by the Dean of Students may be appealed to Community Court. —Referral to Health Center || is a referral for an assessment with a mandate to follow any recommendations. This is a three-part process:

1. The student must within 24 hours of the meeting with the Dean of Students make an appointment with Total Health Center within 24 hours of the meeting with the Dean of Students.

2. The student must show up on time for that appointment. Tardiness may count as a missed appointment. Should an emergency arise that prevents a student from keeping an appointment with the Total Health Center, it is the student’s responsibility to notify the Total Health Center to reschedule the appointment in a timely manner.

3. The student is mandated to follow the recommendations for treatment.

—Housing Probation || means that another violation may result in expulsion from college housing.

—Social Probation || means that another violation may result in the student being allowed on campus only for academic purposes and being restricted from campus when classes are not in
<table>
<thead>
<tr>
<th>Category A – Alcohol Related</th>
<th>Responder</th>
<th>1st Offense</th>
<th>2nd Offense</th>
<th>3rd Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consumption and/or possession of alcohol by an individual under the age of 21</td>
<td>Dean of Students (DOS)</td>
<td>Documented warning (DOS) Fine – equal to 2 hours of state minimum wage (DOS)</td>
<td>Referral to Health Center (DOS) Service project for the community (DOS)</td>
<td>Community Court</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Category B – Alcohol Related</th>
<th>Responder</th>
<th>1st Offense</th>
<th>2nd Offense</th>
<th>3rd Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Providing alcohol to an individual under the age of 21</td>
<td>Dean of Students</td>
<td>Documented Warning (DOS) Fine – equal to 2 hours of state minimum wage (DOS) Service project for the community (DOS)</td>
<td>Community Court</td>
<td></td>
</tr>
<tr>
<td>Providing alcohol to someone who is visibly intoxicated</td>
<td>Community Court and Dean of Students</td>
<td>Documented warning (DOS) Housing/Social Probation (DOS) Service project for the community (DOS)</td>
<td>Community Court</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Category C – Alcohol Related</th>
<th>Responder</th>
<th>1st Offense</th>
<th>2nd Offense</th>
<th>3rd Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consumption of alcohol that necessitates medical intervention</td>
<td>Dean of Students and Community Court</td>
<td>Referral to Health Center Documented warning (DOS) Fine – equal to 2 hours of state minimum wage to Rescue Inc. (DOS)</td>
<td>Suspension for Extraordinary and Disruptive Behavior (DOS)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Category A – Other</th>
<th>Responder</th>
<th>1st Offense</th>
<th>2nd Offense</th>
<th>3rd</th>
</tr>
</thead>
</table>
**Drug Related**

<table>
<thead>
<tr>
<th>Possession or use of illegal drugs Possession or use of legal drugs not lawfully prescribed for the individual or intentional misuse of legally prescribed drugs</th>
<th>Possession or use of drug paraphernalia</th>
<th>Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dean of Students</td>
<td>Documented warning (DOS) Fine – equal to 2 hours of state minimum wage (DOS)</td>
<td>Referral to Health Center (for marijuana) (DOS) Housing or social probation (DOS)</td>
</tr>
<tr>
<td></td>
<td>Service project for the community</td>
<td>Community Court</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Category B – Other Drug Related</th>
<th>Responder</th>
<th>1st Offense</th>
<th>2nd Offense</th>
<th>3rd Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use of other drugs that leads to medical intervention</td>
<td>Dean of Students and Community Court</td>
<td>Referral to Health Center Documented warning (DOS) Fine – equal to 2 hours of state minimum wage to Rescue Inc.(DOS)</td>
<td>Suspension for Extraordinary and Disruptive Behavior (DOS)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Category C – Other Drug Related</th>
<th>Responder</th>
<th>1st Offense</th>
<th>2nd Offense</th>
<th>3rd Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distribution of illegal drugs or prescription medication</td>
<td>Dean of Students until Community Court Responds</td>
<td>Suspension for Extraordinary and Disruptive Behavior (DOS)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**E. Good Samaritan Policy**

The spirit of a Good Samaritan Policy is that we all have an ethical responsibility to help people in need. As a community, we expect that all members will take active steps to protect the safety and wellbeing of other members of the community. The following policy is designed to reduce hesitation for individuals seeking help for themselves or other community members. To ensure
that students receive prompt and appropriate medical attention and to reduce impediments to
seeking such assistance, we have created this Good Samaritan Policy. In those instances in which
students request medical assistance (either for themselves or for another student), neither will be
subject to formal disciplinary action for being intoxicated or under the influence of other drugs
or for having provided the intoxicated person with alcohol. In lieu of formal disciplinary action,
the involved students will meet with the Dean of Students to discuss the incident. The student
requiring medical attention will be referred to Health Services for an assessment and must
complete the assessment and any resulting treatment recommendations in a timely manner. This
policy does not excuse or protect students who flagrantly or repeatedly violate this policy and
does not preclude disciplinary action regarding other violations of college policy.
Appendix 4: Policy and Procedures on Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence and Stalking

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This policy was approved by the Board of Trustees in the form outlined below in March, 2015. Ministerial changes to the policy (for example, changes to contact information for individuals identified in the policy) may be made at the recommendation of the Title IX Committee.

POLICY

Marlboro College expressly prohibits all forms of sexual harassment, sexual misconduct, dating violence, domestic violence and stalking as defined in this Policy, and related retaliation. This Policy applies to all Marlboro College students, faculty, and staff, as well as to participants in any Marlboro College program or activity, on-or off-campus. Impaired judgment due to alcohol or drug use does not excuse conduct that violates this Policy.

The College encourages complainants who believe they are being or have been subjected to such conduct, and others with knowledge of such conduct, to report the conduct to the College through the procedures described below, and to seek the support of the College and/or external resources identified in this Policy.

Notice of Nondiscrimination

Marlboro College does not discriminate on the basis of sex in its education programs and
activities, and Title IX of the Education Amendments Act of 1972, as amended (“Title IX”), as well as applicable state law, require that it not discriminate in such a manner. Prohibited sex discrimination includes sexual harassment and sexual misconduct as outlined in this Policy. Inquiries concerning the application of Title IX may be referred to the College’s Title IX Coordinator (see below) or to the United States Department of Education Office for Civil Rights. The OCR Region I office’s contact information is: Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921, Telephone: 617-289-0111, Facsimile: (617) 289-0150, Email: OCR.Boston@ed.gov.

To promote awareness of and compliance with this Policy, the College will provide a copy of this Policy to every student, faculty, and staff, and extra copies will be available in the office of the Assistant to the President and the Title IX Coordinator. The College will hold training during both new student orientations as well as employee education on topics that include the provisions of this Policy and prevention programming. To assure adherence to federal law and best practice, this Policy will be reviewed at a minimum every three years by the Selectboard in consultation with the Board of Trustees.

If You Have Been Subjected to Conduct That May Violate this Policy:

• Contact Marlboro College’s Survivor Advocate who will help you secure immediate medical care, accompany you to the hospital if necessary, and explain other options and meet your concerns. Marlboro’s Survivor Advocate is a confidential resource:

  Amanda Powers  
  Student Life Coordinator for Wellness & Sexual Respect  
  Pager # 1-802-742-4705 [available at all times]  
  Gander 2 Office # 802 258-9222

• To obtain immediate medical care or to contact the police, phone 911 for emergency services.

• Even if you are unsure initially whether you will want to pursue criminal charges, file a complaint with the College, or seek a protection order, it is important to preserve all possible evidence in case you decide at some point to do so. Therefore, refrain from changing clothes, showering or otherwise changing your physical state after an incident, until after you have consulted with medical personnel about how to best preserve evidence. Consult with College officials, law enforcement officers or health care professionals regarding your ability to have evidence collected by a Sexual Assault Nurse Examiner (“SANE”). Endeavor to preserve other evidence that may be relevant to a case of sexual harassment, sexual misconduct, dating violence, domestic violence or stalking, such as text messages, email messages, other electronically stored information, and other physical evidence. If you have questions about how to do this, consult with College officials or law enforcement officials.
• At any time, day or night, page the Survivor Advocate at 1-802-742-4705.

• On weekdays during business hours, contact the Total Health Center at 258-9335.

• On nights and weekends, page the Student Life Coordinator (SLC) at (877-730-6051).

• The Survivor Advocate, a Student Life Coordinator or a professional staff member from the Total Health Center will provide immediate assistance with safety issues such as relocation to a safe place and will support you throughout the emergency situation. The Survivor Advocate, or a staff member from the Total Health Center will go with you or meet you at the hospital, stay with you during the interview process, assist you with getting to a safe place and help you with contacting other support persons.

• If you fear for your safety, first find a safe environment away from any person of concern (it need only be temporary). When possible, ask a trusted person to stay with you and assist you with getting help.

• Students reporting incidents will be covered under the College’s Good Samaritan Policy, meaning that a person bringing a complaint will not be penalized for alcohol and/or other drug use at the time of the incident.

• You may be upset about something that happened, even if you are not sure whether it violates this Policy or if you want to file a complaint. In such an event, you should consider contacting one of the resources listing in the following section to seek support and/or to allow the College to investigate to determine whether this Policy has been violated.

• To understand your full options, and for help in understanding the Policy from a confidential source, contact the Survivor Advocate.

Support and Resources: Know the Options
Marlboro College is committed to offering support to those who have experienced sexual harassment, sexual misconduct, dating violence, domestic violence or stalking. The College understands that individuals who have concerns about such conduct may look for assurances of confidentiality. The College encourages individuals who may have been subjected to these forms of misconduct and/or crime to talk to somebody about what happened, so they can get the support they need, and the College can respond appropriately. Different employees on campus have different abilities to maintain confidentiality about these issues. For information about available options and resources, see the “Reporting and Resources” section below.
Definitions

**Title IX Coordinator**

Pursuant to Title IX of the Education Amendments of 1972 and the U.S. Department of Education’s implementing regulations at 34 C.F.R. Part 106, the College’s Title IX Coordinator has primary responsibility for coordinating the College’s efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all the operations of the College, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX.

Sexual misconduct against students and employees, including sexual harassment, sexual assault, rape, and sexual exploitation, can be a form of sex discrimination under Title IX. The Title IX Coordinator oversees the College’s response to reports and complaints that involve possible sex discrimination to monitor outcomes, identify and address any patterns, and assess effects on the campus climate, so the College can address issues that affect the wider school community. The College’s Title IX Coordinator also oversees, in collaboration with other College offices as necessary, the College’s response to reports and complaints of dating violence, domestic violence and stalking involving College students and employees.

The Title IX Coordinator is appointed by the President. The Title IX Coordinator is available to meet with students, employees or third parties regarding Title IX-related issues, such as issues related to the College’s compliance with Title IX, response to Title IX reports or complaints, related grievance procedures, relevant patterns of conduct, or related education and prevention programs. The contact information for the Marlboro College Title IX Coordinator is:

Xenia Markowitz  
(802) 258-9238  
xenia@marlboro.edu

To accomplish the duties, subject to the exemption for confidential employees discussed below, the Title IX Coordinator must be informed of all reports and complaints raising Title IX issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office. **Individuals with supervisory or oversight responsibility (for example, staff supervisors or faculty) are responsible for promptly reporting to the Title IX Coordinator any complaint or suspected and/or alleged acts of sexual misconduct.**

Any Marlboro College Community Member involved with issues covered by this policy may file a complaint with the College’s Title IX Coordinator concerning how a procedure was followed, violation of complainant or respondent legal rights, apparent conflicts of interest by Panel members, or other violation of policy or related concern that was not reviewed in an appeal process. Records of these complaints will be reviewed by the President and by the Chair of the
Board of Trustees and the person making the complaint will be notified of any action taken in response. The College’s Title IX Compliance Committee (described below) will also review such complaints at least annually to assist the Title IX Coordinator and the College to identify, for example, whether policies, practices or procedures need to be changed in order to improve the College’s response to complaints of issues covered by this policy.

A student or employee should contact the Title IX Coordinator in order to:

- seek information or training about students’ or employees’ rights and courses of action available to resolve reports or complaints that involve potential sex discrimination, including sexual misconduct,
- file a complaint or make a report of sex discrimination, including sexual misconduct,
- notify the College of an incident or policy or procedure that may raise potential Title IX concerns,
- get information about available resources (including confidential resources) and support services relating to sex discrimination, including sexual misconduct,
- ask questions about the College’s policies and procedures related to sex discrimination, including sexual misconduct, and
- seek or provide information about any of these issues as they relate to dating violence, domestic violence or stalking involving College students or employees.

Reports or concerns regarding sexual misconduct, dating violence, domestic violence or stalking may also be reported, and any safety concerns should be reported immediately, to local law enforcement agencies, the contact information for which is:

- Vermont State Police Department: (802) 257-7101, 464 Marlboro Road Brattleboro, VT
- Brattleboro Police Department: (802) 257-7946, 230 Main St. Brattleboro, VT.
- Windham County Sheriff’s office: (802) 365-4941, 11 Jail St, Newfane, VT

In the event that the incident, policy, or procedure about which the student or employee seeks to file a report or complaint creates the appearance of a conflict of interest with the Title IX Coordinator, students or employees may contact the President’s Office. The President or designee will appoint another person to handle the College’s related responsibilities, as appropriate. Also, the President or the Title IX Coordinator may designate another person, where necessary, to carry out some or all of the Title IX Coordinator’s duties where necessary in particular cases and/or at particular times. The Title IX Compliance Committee will also review and consider such reports and complaints at least annually, to facilitate its work and the College’s response to complaints covered by this policy, as described in more detail below.

Inquiries or complaints that involve potential violations of Title IX may also be referred to the U.S. Department of Education’s Office for Civil Rights, which can be reached at [contact
information for regional office: https://wdcrobcolp01.ed.gov/cfapps/OCR/contactus.cfm or the Educational Opportunities Section of the Civil Rights Division of the U.S. Department of Justice (DOJ): http://www.justice.gov/crt/complaint/#three.

Functions and Responsibilities of the Title IX Coordinator

The Title IX Coordinator’s functions and responsibilities include the following:

(1) Training for Students, Faculty, and Staff

The Title IX Coordinator provides or facilitates ongoing training, consultation, and technical assistance on Title IX for all students, faculty and staff, including:

- regular training for faculty and staff outlining their rights and obligations under Title IX, including the appropriate response to reports of sexual misconduct, the obligation to report sexual misconduct to appropriate College officials, and the extent to which counselors and advocates may keep a report confidential, and

- regular training for students outlining their rights under Title IX; with regard to sexual misconduct, this training will include what constitutes sexual misconduct and when it creates a hostile environment, the definition of consent, reporting options (including reports to responsible employees, and confidential reporting to counselors or advocates), the grievance procedures used to process complaints, applicable disciplinary code provisions relating to sexual misconduct and the consequences of violating those provisions, the role of alcohol and drugs in sexual misconduct, the effects of trauma, strategies and skills for bystander intervention, the offices or individuals with whom students can speak confidentially, the offices or individuals who can provide support services, the employees who must report incidents to the Title IX Coordinator, and Title IX’s protections against retaliation.

(2) Investigations

The College will conduct adequate, reliable, and impartial investigations of reports and complaints of sexual misconduct. The Title IX Coordinator oversees many aspects of this response, including:

- determining whether the report or complaint alleges conduct that may, upon investigation, constitute prohibited sexual misconduct,

- appointing an investigator or investigators upon such determination,

- making certain that individual reports and complaints are handled properly and in a prompt and timely manner,

- informing all parties regarding the complaint process,
confirming that all parties have been notified of decisions and of the right to, and procedures for, appeal,

- maintaining information and documentation related to the investigation in a secure manner, and

- monitoring compliance with timeframes specified in the complaint procedures.

The Title IX Coordinator evaluates requests for confidentiality by those who report or complain about sexual misconduct in the context of the College’s responsibility to provide a safe and nondiscriminatory environment for all students and employees. Confidentiality issues are discussed in more detail below.

(3) Remedies, Including Interim Measures

Upon learning of a report or complaint of sexual misconduct, the Title IX Coordinator will promptly take steps to ensure the complainant’s equal access to the College’s programs and activities and protect the complainant as necessary. Such steps include taking interim measures before the final outcome of any investigation, providing remedial measures after the final outcome of investigation, and making the complainant aware of all available resources, including resources such as survivor advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, student financial aid advising, visa and immigration assistance, and legal assistance. The Title IX Coordinator and/or others at the College will also assist individuals affected by the types of misconduct prohibited by this policy, even if they do not wish to participate in a formal College process. Interim measures are discussed in more detail below.

Upon a finding of prohibited sexual misconduct, the Title IX Coordinator will determine whether campus-wide remedies should be adopted in response, including, by way of example but not limitation, review and revision of the College’s sexual misconduct policies, increased monitoring, supervision or security at locations where sexual misconduct is reported to occur, and increased education and prevention efforts, including to targeted populations.

If it is found through the College’s disciplinary processes that an individual engaged in prohibited sexual misconduct, the Title IX Coordinator will review proposed sanctions before they are imposed to ensure that they, along with the College’s interim and long-term measures taken in response to the sexual misconduct, are reasonably calculated to stop the sexual misconduct and prevent its recurrence.
Complainant
A complainant may be any member of the Marlboro College Community or covered third party who may have been subjected to conduct that violates this Policy. For purposes of this Policy, a complainant is usually a student, employee, or third party involved in some way in an academic, athletic, extracurricular or residential program of the College (“covered third party”). The College Community shall include students, faculty, staff, and their respective spouses, kitchen staff regularly assigned to Marlboro College, and trustees when present.

In some cases (such as, for example, cases in which a student, employee, or covered third party involved in an alleged incident of sexual harassment, sexual misconduct, dating violence, domestic violence or stalking does not wish to participate in the process but the College decides that the alleged misconduct needs to be investigated and addressed), the College may move forward with an investigation and/or related disciplinary proceedings without a designated complainant. In such cases, the College may extend the full rights of a complainant as defined in this Policy to affected parties as deemed appropriate by the College. For ease of reference and consistency, the term “complainant” is used hereafter in this Policy to refer to a person who believes that he or she has been subjected to sexual harassment, sexual misconduct, dating violence, domestic violence or stalking, or who is believed by another to have been subjected to such conduct, even if that person does not wish to participate personally in a disciplinary proceeding or investigation.

Respondent
A respondent is any member of the Marlboro College Community against whom the complainant is bringing a charge. The College Community shall include students, faculty, staff, and their respective spouses, kitchen staff regularly assigned to Marlboro College, and trustees when present.

Sexual Misconduct
The College prohibits a broad range of inappropriate sexualized activity through this Policy, including sexual misconduct and sexual exploitation. The prohibitions of this Policy apply regardless of the sex, sexual orientation or gender identity of any involved individual. "Sexual misconduct" is a sexual act that takes place without effective consent of all parties involved, as defined in this policy.

The College defines a sexual act as conduct between persons consisting of:

- Contact between the penis and the vulva.
- Contact between the penis and the anus.
- Contact between the mouth and the penis.
- Contact between the mouth and the vulva.
- Any intrusion, however slight, by any part of a person's body or any object into the genital or anal opening of another.

Under Vermont law, “consent” to sexual activity is defined to mean “words or actions by a person indicating a voluntary agreement to engage in a sexual act.” For purposes of this Policy, "effective consent” means a voluntary agreement to engage in a sexual act. Effective consent must be actively given - through words or actions -- and it must be given freely and
without coercion. The words or actions that make up effective consent should be mutually understandable to the parties involved. Whether effective consent has occurred is determined by asking whether a reasonable person would be able to understand those words or actions, and the parties involved in the sexual act did indicate, through words or actions that would be understandable to a reasonable person, a willingness to do the same thing with each other, at the same time, in the same way.

Effective consent cannot be obtained by fraud or force (actual or implied), whether that force be physical force, threats, intimidation or coercion. A person who is the object of sexual aggression is not required to resist a sexual aggressor, physically or otherwise, and the absence of such resistance does not indicate consent. "Effective consent" does not include consent that is given by a person who is (i) younger than 16, unless such person is at least 15 and the other person is less than 19 years old, (ii) mentally disabled in a manner that precludes the person from understanding the nature or harmfulness of the activity, or (iii) incapacitated so as to be unable to make a reasonable judgment concerning the nature or harmfulness of the activity.

It is always the responsibility of the person initiating a specific sexual activity to make certain the other person has given effective consent. Even if a person has consented to some form of sexual activity, that does not mean he or she has consented to others. And even when both parties have previously consented to sexual activity, circumstances may change, and conduct that was once welcome may later be unwelcome. It is the right of either party to withdraw consent at any point during sexual activity. Effective consent cannot be inferred from silence, a previous sexual relationship, a current sexual relationship, the way someone is dressed or their acceptance of dinner or an invitation for a date.

Sexual misconduct also includes sexual exploitation. "Sexual exploitation" occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person’s consent. Examples of behavior that could rise to the level of sexual exploitation include but are not limited to: prostituting another person; recording images (e.g., video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness without that person’s consent; distributing images (e.g., video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and, viewing another person’s sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person’s consent, and for the purpose of arousing or gratifying sexual desire. Sexual exploitation may occur regardless of whether sexual activity takes place.

Students or employees may be prosecuted under Vermont criminal statutes, and subject to disciplinary action by the College. The College may choose to pursue disciplinary action while a
criminal action is pending or even if criminal justice authorities choose not to prosecute.

As a matter of Marlboro College policy, the College strictly prohibits conduct that would constitute sexual misconduct under College policy or Vermont law, as defined above. The College encourages complainants who believe they are being or have been subjected to such conduct, and others with knowledge of such conduct, to report the conduct to the College through the procedures described below, and to seek the support of the College and/or external resources identified in this Policy.

Sexual Harassment
It is a violation of this Policy of Marlboro College, and illegal under state and federal law, for any student, faculty or staff to harass another student, faculty, staff or visitor because of sex. Marlboro College is committed to providing a workplace and educational environment that is free from this unlawful conduct. Harassment need not be intentional; the effect and characteristics of the conduct determine whether the behavior constitutes sexual harassment.

Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. submission to that conduct is made either explicitly or implicitly a term or condition of employment or academic standing;
2. submission to or rejection of such conduct by an individual is used as a component of the basis for employment or academic decisions affecting that individual; or
3. the conduct has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or academic environment.

Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within one of the above definitions:

- either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) or academic standing (e.g. admission, grades/evaluation, accessibility to classes/tutorials or plan work) on the provision of sexual favors;
- touching or grabbing a sexual part of an individual's body;
- touching or grabbing any part of an individual's body after that person has indicated, or it is known, that such physical conduct is unwelcome;
- continuing to ask an individual to socialize on- or off-duty when that individual has indicated she or he is not interested, including one who has been previously involved in a consensual relationship;
- displaying or transmitting sexually suggestive pictures, objects, cartoons or posters if it is known or should be known that the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or should be
known that the individual does not welcome such behavior;

• referring to or calling an individual sexualized names if it is known or should be
  known that the person does not welcome such behavior;

• regularly telling sexual jokes or using sexually vulgar or explicit language in the
  presence of an individual if it is known or should be known that the individual does
  not welcome such behavior;

• making derogatory or provoking remarks about or relating to an individual's sex or
  sexual orientation;

• engaging in harassing acts or behavior directed against an individual on the basis of
  one’s perceived sex or sexual orientation;

• creating a hostile environment by pursuing harassing acts or behavior directed against
  a third person or persons; or

• engaging in off-duty conduct which falls within the above definition and affects the
  work or academic environment.

It is helpful to an investigation if the employee, student or faculty member keeps notes regarding
events and the names of people that witnessed or were told of the harassment.

As a matter of Marlboro College policy, the College strictly prohibits conduct that would
constitute sexual harassment as defined above. The College encourages complainants who
believe they are being or have been subjected to such conduct, and others with knowledge of
such conduct, to report the conduct to the College through the procedures described below, and
to seek the support of the College and/or external resources identified in this Policy.

Domestic Violence
The term “domestic violence” includes violence committed by a current or former spouse of the
complainant, by a person with whom the complainant shares a child in common, by a person
who is cohabitating with or has cohabitated with the complainant as a spouse, by a person
similarly situated to a spouse of the complainant under the dating or family violence laws of
Vermont, or by any other person against an adult or youth complainant who is protected from
that person’s acts under the dating or family violence laws of Vermont. Under Vermont law, it is
unlawful to attempt to cause or to willfully or recklessly cause bodily injury to a family or
household member, or to willfully cause a family or household member to fear imminent serious
bodily injury. “Household members” are defined as those persons who, for any period of time,
are living or have lived together, are sharing or have shared occupancy of a dwelling, are
engaged in or have engaged in a sexual relationship, or minors or adults who are dating or have
dated.

As a matter of Marlboro College policy, the College strictly prohibits conduct that would
constitute domestic violence under College policy or Vermont law, as defined above. The

2 Vermont law refers to such individuals as “victims”, but for the sake of consistency, the term
“complainant” is substituted for that term throughout this policy.
College encourages complainants who believe they are being or have been subjected to such conduct, and others with knowledge of such conduct, to report the conduct to the College through the procedures described below, and to seek the support of the College and/or external resources identified in this Policy.

**Dating Violence**

For purposes of College Policy, “dating” means a social relationship of a romantic and/or sexual nature. The factors that will be considered in determining whether a dating relationship exists or existed, include: (a) the nature of the relationship; (b) the length of time the relationship has existed; (c) the frequency of the interaction between the parties; (d) the length of time since the relationship ended, if applicable; and e) the complainant’s statement as to whether a dating relationship exists or existed. Under Vermont law, it is unlawful to attempt to cause or to willfully or recklessly cause bodily injury to a person one is dating or has dated, or to willfully cause such person to fear imminent serious bodily injury, and such conduct is prohibited by College Policy.

As a matter of Marlboro College Policy, the College strictly prohibits conduct that would constitute dating violence under College Policy or Vermont law, as defined above. The College encourages individuals who believe they are being or have been subjected to such conduct, and others with knowledge of such conduct, to report the conduct to the College through the procedures described below, and to seek the support of the College and/or external resources identified in this Policy.

**Stalking**

As defined by federal law, “stalking” means engaging in a course of conduct (a pattern of conduct composed of two or more acts over a period of time, however short, evidencing a continuity of purpose) directed at a specific person that would cause a reasonable person to:

A. fear for one’s safety or the safety of others; or
B. suffer substantial emotional distress.

Under Vermont law, “stalking” is defined to mean engaging in a course of conduct which consists of one of the following, when such conduct serves no legitimate purpose and would cause a reasonable person to fear for one’s physical safety or health or would cause a reasonable person to suffer emotional distress.

a. **Following** - defined as maintaining over a period of time a visual or physical proximity to another person in such a manner as would cause a reasonable person to have a fear of unlawful sexual conduct, unlawful restraint, bodily injury or death.

b. **Lying in wait for** – defined as hiding or being concealed for the purpose of attacking or harming another person. , or

c. **Harassing** - defined as actions directed at a specific person, or a member of the person’s family, which would cause a reasonable person to fear unlawful sexual conduct, unlawful restraint, bodily injury, or death, including but not limited to verbal
threats, written, telephonic, or other electronically communicated threats, vandalism, or physical contact without consent.

When part of a pattern of behavior that falls within the definition of stalking described above, examples of stalking behaviors or activities may include, but are not limited to:

- Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are unwelcome.
- Use of online, electronic or digital technologies in connection with such communication, including but not limited to:
  - Posting of pictures or text in chat rooms or on websites;
  - Sending unwanted/unsolicited e-mail or talk requests;
  - Posting private or public messages on Internet sites, social networks, and/or school bulletin boards
  - Installing spyware on a person’s computer;
  - Using Global Positioning Systems (GPS) or similar technology to monitor a person.
- Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person.
- Surveillance or other types of observation including staring or “peeping”
- Trespassing
- Vandalism
- Non-consensual touching
- Direct verbal or physical threats
- Gathering information about an individual from friends, family, or co-workers
- Accessing private information through unauthorized means
- Threats to harm self or others
- Using a third party or parties to accomplish any of the above.

As a matter of Marlboro College policy, the College strictly prohibits conduct that would constitute stalking under College policy or Vermont law, as defined above. The College encourages individuals who believe that they are being or have been subjected to such conduct, and others with knowledge of such conduct, to report the conduct to the College through the procedures described below, and to seek the support of the College and/or external resources identified in this Policy.
Retaliation
Retaliation against an individual for reporting, in good faith, sexual misconduct, dating violence, domestic violence or stalking, or for cooperating in the investigation of a complaint of such misconduct is prohibited by this Policy. Retaliation includes, but is not limited to, materially adverse acts that affect the educational or work environment of any individual involved in the complaint or the investigation such as, intimidation, reprisal, ostracism, action altering the person's duties or assignments, work or academic environment because the individual reported the misconduct or cooperated in or supported a complaint or investigation of such misconduct. Any person who believes that he or she is subject to retaliation should follow the complaint resolution procedures of this Policy.

Advisor or Support Person
The Advisor or Support Person’s role is to provide support and advice to the complainant or respondent. The complainant and the respondent have the right to be accompanied at all stages of a proceeding conducted under this Policy and any related meetings by an Advisor or Support Person of their choice. This person can, but need not, be a member of the College Community. The role of the Advisor or Support Person is to advise and support, such as helping to prepare their statements and providing general support, or advice privately to the complainant or respondent during a meeting or hearing, but not to advocate or speak for a party or address an investigator or decision-maker directly. Any conflicts of interest will be reviewed by the Title IX Coordinator. The Title IX Coordinator will attempt to assist a complainant and respondent in identifying an appropriate Advisor or Support Person.

Panel on Sexual Misconduct, Dating Violence, Domestic Violence and Stalking
The Panel on Sexual Misconduct, Dating Violence, Domestic Violence and Stalking (“Panel”) shall be composed of two faculty, two staff members, and two students. In cases handled through the formal complaint process described below, the Panel considers investigation reports and evidence collected in investigations, and deliberates and makes decisions on whether or not this Policy has been violated and recommendations about sanctions, as described below.

The staff and faculty members shall be appointed by the President in consultation with the standing Panel, for an indefinite term. The President will consider gender diversity in making appointments. The two student Panel members shall be elected by Town Meeting for a one-year term. A student who is a complainant or a respondent may request that no students sit on the Panel. In such an instance, the Panel will be comprised of the remaining staff and faculty members. With the assistance of the Survivor Advocate and the Dean of Students, the Title IX Coordinator will coordinate a comprehensive training at the start of the academic year for the Panel. This training will include, but is not limited to, an in-depth review of this Policy, general information about sexual misconduct and a discussion and practice deliberation regarding a hypothetical case.
More information about Panel-related procedures is provided in the Procedures section below.

Title IX Compliance Committee

The Title IX Compliance Committee will work with the Title IX Coordinator to identify and assess concerns or complaints about the College’s procedures and practices related to misconduct prohibited by the Policy stated above. This role will be particularly important in areas where a particular Title IX Coordinator’s other responsibilities with the College may require her or him to interact with individuals or processes through those other responsibilities, and/or to implement aspects of the College’s response through such responsibilities. The Committee will consist of two students, two faculty and two staff, who will be appointed to the Committee for two-year terms by the Selectboard, following consultation with the President. The Selectboard may fill vacancies on the Committee as necessary, following consultation with the President. The Title IX Compliance Committee will assist the College and the Title IX Coordinator, particularly in such circumstances, in viewing the operation of the College’s procedures and practices objectively. The Committee will review reports or concerns raised about such issues at least annually, or more frequently or on an ad hoc basis as requested by the President. The Committee will meet at least annually with the President and/or the Title IX Coordinator to convey its observations about the functioning of the College’s procedures and practices, and to make any suggestions for how the College’s procedures and practices could be improved.

Prevention

Marlboro College is committed to the prevention of sexual harassment, sexual misconduct, dating violence, domestic violence and stalking, and expects community members to participate in regular workshops. The Title IX Coordinator, in consultation with the Title IX Compliance Committee and/or the Panel on Sexual Misconduct, will arrange for at least one prominently publicized educational training during each semester’s student orientation aimed at the prevention of sexual misconduct, sexual harassment, dating violence, domestic violence, and stalking. This training will take place when students will be present on campus and able to attend. The training will introduce students to this Policy and good practice. This workshop will be conducted by, at the very least, an expert in sexual misconduct education, and a member of the community who is familiar with this Policy.

Reporting and Resources

Interim Measures

Interim measures are those services, accommodations, or other assistance that the College puts in place for complainants after receiving notice of alleged sexual misconduct but before any final outcomes – investigatory, disciplinary, or remedial – have been determined. We want complainants to be safe, to receive appropriate medical attention, and to get the help they need to heal and to continue to access their educational and employment opportunities. We also want
complainants to understand their reporting options and how to access available interim measures. The College encourages complainants to report issues covered by this Policy to the College’s Title IX coordinator or any responsible employee with whom the individual feels comfortable. The College recognizes that sexual and other violence is traumatic and may leave individuals feeling overwhelmed and confused. This Policy seeks to provide clear guidance regarding available resources and who can help in securing them.

Upon receiving a report of sexual misconduct, the College will provide the complainant, or the complainant’s Advisor or Support Person, with a written explanation of the interim measures available on campus and through local community resources, and shall ask the complainant or their Advisor or Support Person what measures are sought. Some possible interim measures are listed below, and the College will determine which measures are appropriate for a particular complainant on a case-by-case basis. Not all of the measures listed below will be necessary in every case to keep complainants safe and ensure their equal access to educational programs and activities and employment opportunities. If the complainant or their Advisor or Support Person identifies an interim measure that is not already provided by the College, the College will consider whether the request can be granted. In those instances where interim measures affect both a complainant and an alleged perpetrator, the College will minimize the burden on the complainant whenever appropriate.

Example interim measures include, when requested and reasonably available:

- Academic accommodations (for additional information, see below)
- Medical and mental health services, including counseling
- Change in campus housing
- Assistance in finding alternative housing
- Assistance in arranging for alternative College employment arrangements and/or changing work schedules
- A “No contact” directive pending the outcome of an investigation and/or thereafter. Such a directive serves as notice to both parties that they must not have verbal, electronic, written, or third party communication with one another
- Transportation accommodations or parking arrangements to ensure safety and access to other services
- Assistance identifying an advocate to help secure additional resources or assistance including off-campus and community advocacy, support, and services, and
- Assistance in understanding financial aid implications of any decision on the complainant’s part to seek a leave of absence or reduction in course load.

The College will work with complainants or their Advisor or Support Person to identify what
interim measures are appropriate in the short term (e.g., during the pendency of an investigation or other school response), and will continue to work collaboratively throughout the College’s process and as needed thereafter to assess whether the instituted measures are effective, and if not, what additional or different measures are necessary to keep the complainant safe.

As explained below, when a confidential resource (such as a professional counselor or the Survivor’s Advocate) requests any of the above measures on the complainant’s behalf without disclosing that sexual misconduct is the basis for the request, the College will consider these requests for supportive measures consistent with its general practice of allowing confidential resources and the Survivor Advocate to seek such measures for individuals who may have experienced trauma without requiring that the nature of the trauma be disclosed.

**Academic Accommodations**

Academic accommodations are one type of interim measure that the College may provide to a complainant after receiving a report of conduct in violation of this Policy to ensure that the complainant is safe and can continue to access educational opportunities. To address the possible adverse effects of sexual misconduct on a complainant’s academics, it may be possible to secure time-limited academic accommodations, such as rescheduling an exam. If the complainant experiences persistent academic difficulties as a result of the reported misconduct (e.g., including difficulties stemming from anxiety, depression, post-traumatic stress disorder or any other mental or physical illnesses or injuries), the complainant may request more long-term academic accommodations, such as a Medical Leave of Absence or a Dean’s Incomplete. If the complainant does not have a treating provider but is suffering from health-related issues such as those identified above, the student should contact the College’s Total Health Center (802) 258-9335) to be connected with a campus health provider or appropriate off-campus resource. Students may also be entitled to additional services and supports if they have a disability, including those who developed a disability as a result of experiencing sexual misconduct. Disability services at the College are coordinated by the Office of Disability Services (802) 258-9335).

Complainants, their Advisor or Support Person, or their confidential resource may request the following academic accommodations as interim measures. The College – after consulting with the complainant or their Advisor, Support Person or confidential resource – will determine which accommodations are appropriate to ensure the student’s safety and equal access to educational programs and activities. Requests for academic accommodations may include assistance in:

- Transferring to another section of a lecture or laboratory
- Rescheduling an academic assignment or test
- Accessing academic support (e.g., tutoring)
- Arranging for incompletes, a leave of absence, or withdrawal from campus
- Preserving eligibility for academic, athletic, or other scholarships, financial aid,
internships, study abroad, or foreign student visas, and

- Understanding any related financial aid implications.

**Options for Requesting Interim Measures or Supportive Measures Summary.**

The College offers complainants two options for reporting misconduct prohibited by this Policy and requesting interim measures. The first option allows the complainant to report the misconduct to a College employee whom the College has designated as responsible for receiving and/or responding to reports of sexual misconduct (such as, for example, the Title IX Coordinator), and to request interim measures from these “responsible employees.”

The second option allows a complainant who has not reported the misconduct to a responsible employee to disclose the misconduct to a confidential professional counselor or Survivor Advocate who in turn can request interim measures on the complainant’s behalf from the College. Under the second option, complainants should be aware that when such an individual requests interim measures on their behalf from a responsible employee of the College and discloses that the reason for the request is sexual misconduct or other misconduct prohibited by this Policy, the request may trigger the College’s obligation to investigate. To the extent such an individual makes such a disclosure, but, consistent with the complainant’s wishes, asks the College not to investigate or otherwise notify the alleged perpetrator of the report, the Title IX Coordinator will consider whether the College can honor the request while still providing a safe and nondiscriminatory environment for all students, as set forth in the Support and Resources: Know Your Options section of this Policy, and take interim measures to protect the individual who may have experienced trauma as necessary.

The College also offers complainants an option for the complainant’s confidential resource (such as a professional counselor or Survivor Advocate) to request supportive measures from the College without reporting the sexual misconduct to the College. While we strongly encourage all individuals subjected to misconduct prohibited by this policy to report the misconduct to the College directly, we want complainants to have access to supportive measures regardless of when or whether they decide to report the conduct to the College.

**Options for Requesting Interim Measures or Supportive Measures- Details**

**Option 1: Complainants Who Report Sexual Misconduct to a Responsible Employee**
Reports of sexual misconduct to responsible employees will be forwarded to the Title IX Coordinator who will determine what steps need to be taken. Generally, the College will investigate the report to determine what occurred and the College will provide interim measures during the investigative process and any disciplinary process. However, for complainants who report sexual misconduct to responsible employees but request that the College not pursue an investigation or otherwise keep their report confidential (e.g., from the alleged perpetrator), the Title IX Coordinator will consider whether the College can honor the complainant’s request while still providing a safe and nondiscriminatory environment for all students. For more information on confidentiality, please see the Support and Resources: Know Your Options section above. Whether the Title IX Coordinator decides that the College can honor the confidentiality request or must pursue an investigation, the Title IX Coordinator (or designee) will inform the complainant of available interim measures and coordinate appropriate interim measures for the complainant.

Options 2 and 3: Complainants Who Disclose Sexual Misconduct to Confidential Professional Counselors and Survivor Advocates

The College recognizes that confidential resources such as professional counselors and Survivor Advocates are often in a unique position to know when and what interim measures or supportive measures would be most appropriate to address a complainant’s health and safety needs. For this reason, complainants who disclose incidents of sexual misconduct or other misconduct prohibited by this Policy to their professional counselor or Survivor Advocate should discuss whether to have such individual report the misconduct to the College and request interim measures required by Title IX or request discretionary supportive measures from the College without reporting the nature of the conduct. Such individual will work with the complainant to determine what information the complainant is willing to share with College employees involved in securing interim measures or supportive measures. Such individual will explain how sharing certain information with responsible employees may trigger the College’s Title IX obligation to investigate. Complainants should understand that the College’s ability to implement interim measures that would affect the would-be respondent may be limited if the complainant chooses not to have the College go forward with an investigation. Professional counselors and Survivor Advocates can discuss these issues with complainants.

Option 2. Interim Measures

A professional counselor or Survivor Advocate may request that the College provide interim measures to a complainant to protect the complainant and help ensure the complainant’s equal access to the College’s educational programs and activities before the final outcome of any investigation. The professional counselor or Survivor Advocate may ask a complainant who is seeking interim measures to sign a release specifying the information that may be shared with the College. After the professional counselor or Survivor Advocate informs the College that sexual misconduct is the basis for the request for interim measures, the College will work with these individuals to investigate the alleged sexual misconduct and determine what interim measures are appropriate. For example, the professional counselor or Survivor Advocate may ask the Title IX Coordinator to arrange academic or living accommodations for the complainant, or may ask
faculty or housing personnel directly for such interim measures. Complainants should understand that the College’s ability to implement interim measures that would affect the would-be respondent may be limited if the complainant chooses not to have the College go forward with an investigation. Professional counselors and Survivor Advocates can discuss these issues with complainants.

Option 3. Supportive Measures

A confidential professional counselor or Survivor Advocate may request that the College provide supportive measures for a student who has experienced trauma, including, but not limited to, trauma related to sexual misconduct or other misconduct prohibited by this Policy. If a complainant does not want the College to investigate the alleged misconduct, the complainant should discuss this with the professional counselor or Survivor Advocate. A professional counselor or Survivor Advocate will explain what type of requests will prompt the College’s Title IX obligations and discuss other avenues for securing supportive measures consistent with the complainant’s wishes. For example, professional counselors and Survivor Advocates may request supportive measures (e.g., changes to housing, dining, classes, or employment) from the College on behalf of a complainant who does not want the College to pursue an investigation of the alleged misconduct, and the College will consider these requests for supportive measures consistent with its general practice of providing supports to students who have experienced various forms of trauma without requiring their advisor to reveal the nature of the underlying trauma to the College.

Confidential Resources: Total Health Center
At Marlboro College, the Total Health Center staff respect and protect confidential communications with clients to the extent that they are able to do so under applicable law. This means that in most cases, these confidential resources will not inform anyone of such communications without a client’s consent, and the College will not endeavor to take any action in response to such communications. These professionals may have the responsibility to disclose otherwise-privileged information appropriately when they perceive an immediate and/or serious threat to any person or property. In addition, medical and mental health professionals are required by law to report any allegations of sexual assault of a person under age 18. Individuals who wish to talk about sexual harassment, sexual misconduct, dating violence, domestic violence or stalking-related issues confidentially, with the understanding that the College will not take any action based on such confidential communications, are encouraged to contact one of these confidential resources. In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, these confidential resources will not report Clery crimes they learn about through confidential communications for purposes of the College’s compilation of campus crime statistics.
Confidential Resources: Survivor Advocate

Marlboro College has also designated a Survivor Advocate as a confidential resource. The Survivor Advocate’s contact information is:

- Amanda Powers
  - Student Life Coordinator for Wellness & Sexual Respect
  - Pager # 1-802-742-4705 [available at all times]
  - Gander 2 Office # 802 258-9222

The Survivor Advocate will respect and protect communications with a complainant that the complaint intends to be confidential, which means that unless a safety issue is present as discussed below, in most cases, the Survivor Advocate will not inform anyone of such communications without a complainant’s consent, and the College will not endeavor to take any action in response to such communications. The Survivor Advocate may disclose otherwise-confidential information appropriately when they perceive an immediate and/or serious threat to any person or property. In addition, the Survivor Advocate would report any allegation of sexual assault of a person under age 18. Individuals who wish to talk about sexual harassment, sexual misconduct, dating violence, domestic violence or stalking-related issues confidentially, with the understanding that the College will not take any action based on such issues except where safety issues are present as described above, are encouraged to contact the Survivor Advocate. In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the Survivor Advocate would report non-personally-identifiable information about Clery crimes they learn about communications intended to be confidential for purposes of the College’s compilation of campus crime statistics. The Survivor Advocate would also report non-personally-identifiable information about reports received (but intended to be confidential) to the Title IX Coordinator.

If an individual who makes a report insists that one’s name or other identifiable information not be revealed and the College is able to respect that request, the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator. Even so, these confidential resources will still assist the individual in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, changes to living, working or course schedules, and transportation-related accommodations, where requested and reasonably available. An individual who at first requests confidentiality may later decide to file a complaint with the College or report the incident to local law enforcement, and thus have the incident fully investigated. These confidential resources will provide the individual with assistance if the individual wishes to pursue those options.

Individuals who wish to seek counseling can call the Total Health Center at 258-9335.
**Title IX Coordinator**

The Title IX Coordinator can discuss all available options with a person reporting conduct that violates this Policy, including criminal and civil options, as well as the College's sexual misconduct complaint process. The College will also make these services available to people who have been indirectly involved in a sexual misconduct situation, even if they are not a complainant. The Title IX Coordinator may not, however, be able to guarantee confidentiality to a complainant if there is a threat to the complainant or the College community. In certain instances applicable to the “responsible employees” described below, the Title IX Coordinator is obligated to report when he or she learns of a violation of this Policy.

**Reporting to “Responsible Employees”**

A “responsible employee” is a College employee who has the authority to address sexual harassment, sexual misconduct, dating violence, domestic violence or stalking, who has a duty to report related incidents to the Title IX Coordinator or other College officials, or who a student could reasonably believe has this authority or duty. Responsible employees are respectful of a complainant’s wishes to the extent appropriate and are discreet, but they are not able to guarantee confidentiality. General inquiries or questions about this Policy may remain private, and the College will strive to protect the privacy of individuals to the extent it can while maintaining its obligations to uphold relevant policies and regulations and/or to take reasonable steps to promote the safety of members of the College community. Otherwise, responsible employees will report relevant details (such as the name of the complainant and Respondent, any witnesses, and other relevant facts, such as the date, time and specific location of the alleged incident) to the Title IX Coordinator or other College officials. The College will then investigate the report and take reasonable steps designed to prevent recurrence of the behavior.

If a complainant discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College’s obligation to provide a safe, non-discriminatory environment for all students, faculty and staff. The Title IX Coordinator will in most cases determine whether the College needs to perform an investigation and/or take some other action in cases where a complainant would prefer complete confidentiality. If for some reason the Title IX Coordinator is not able or is not the appropriate person to make such a determination, the determination will be made by an individual designated by the President.

If an individual who makes a report insists that one’s name or other identifiable information not be revealed and the College is able to respect that request, the individual must understand that the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

The College will protect the confidentiality of individuals allegedly subjected to sexual
harassment, sexual misconduct, dating violence, domestic violence and/or stalking to the extent practicable in light of the need to do investigations and conduct disciplinary proceedings. Campus security authorities who become aware of Clery crimes will report them to appropriate College officials so that they may be included in the College’s compilation of campus crime statistics. The College will not include the names of complainants or other identifying information in publicly-available reports that are compiled as required by the Clery Act.

Community Assistance and Resources for Victims of Sexual Misconduct, Dating Violence, Domestic Violence and/or Stalking
There are a variety of off-campus resources that individuals can utilize for any violations or perceived violations of this Policy, including:

- Women's Freedom Center (802) 254-6954
- Vermont Mental Health Services (802) 254-0028
- Brattleboro Hospital Emergency Room (802) 257-8222
- Windham County Sheriff (802) 365-4942
- Vermont State Police (802) 254-2382

Assistance with Notifying Authorities
The College will offer to assist complainants to notify appropriate law enforcement authorities of misconduct prohibited by this policy, if desired by the complainant. The complainant may also choose not to notify law enforcement. The College will also offer to assist complainants in seeking relief from abuse orders or other orders of protection from state courts if desired by complainants, and the College will provide what assistance it reasonably can provide on campus to implement directives made in such orders.

PROCEDURES
The College’s procedures are designed and will be implemented to be prompt, fair, and impartial from the investigation to the final result. The College’s procedures will be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

The Complaint Process
Complaints may be formal or informal, or a person who has concerns about a possible violation
of this Policy may seek anonymous counseling rather than filing a complaint. Anonymous counseling enables the complainant to speak with a counselor in Health Services (in the Total Health Center) or the Survivor’s Advocate to seek advice, feedback, or additional resources, after experiencing or witnessing conduct that may violate this Policy, but without naming the involved parties or initiating a formal or informal procedure. Conversations with Health Services or the Survivor’s Advocate are confidential, except as described above. The complainant may initiate a formal or informal complaint, or file a criminal charge or a civil complaint, at any time.

An informal complaint, in general terms, involves the complainant and Title IX Coordinator discussing the complainant's desired resolution, and the Title IX Coordinator meeting with the respondent either alone or with the complainant. A formal complaint process, meanwhile, initiates an investigation and consideration by the Panel on Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence and Stalking. For more information on the complaint procedure, please see the section below titled Marlboro College Complaint Procedure.

Whichever procedure a person utilizes, the College will endeavor to provide a prompt and equitable resolution for all parties, and to honor the rights outlined below.

Statement of the Complainant’s Rights

- The right to be treated with respect by all parties to the process.
- The right to be free from discouragement from reporting or continuing their education or employment at the school.
- The right to have complaints of sexual misconduct responded to in accordance with the timeline outlined in this Policy.
- The right to confidentiality to the extent possible.
- The right to have an Advisor or Support Person of the complainant’s choice accompany the complainant to all meetings related to the complaint process.
- The right to be informed of the option to notify proper law enforcement authorities, and the option to be assisted by campus officials in notifying such authorities, if the complainant so chooses.
- The right to be notified of available physical and mental health support services both on campus and in the community for survivors of sexual misconduct.
- The right to notification of options for changing academic, working, transportation and living situations after an alleged sexual misconduct incident.
- The right to opt out of the process even though the process may continue.
- The right to speak and present information on one’s own behalf.
- The right to have sexual history with anyone other than the respondent be excluded from presentation in the complaint process.
- The right to request conditions that must be observed by the involved parties during this process which may include no contact, third party supervision, or alternative grade review.
- The right to be free from retaliation.
- The right to request emergency suspension of the respondent or a third-party in the case of stalking, threatening, harassing or other improper behavior that presents a
danger to the welfare of the complainant.

- The right to be informed of the outcome and sanction of any disciplinary process involving sexual misconduct.
- The right to appeal the outcome of a disciplinary process, provided the appeal meets the grounds outlined in the “Appeals Procedure” section of this Policy.

Statement of the Respondent’s Rights

- The right to be presumed not in violation of this Policy until a violation is established through the discipline process.
- The right to be treated with respect by all parties to the process.
- The right to continue their education or employment during the process, unless the College determines that interim separation is necessary.
- The right to have complaints that fall within the scope of this Policy be responded to in accordance with the timeline outlined in this Policy.
- The right to confidentiality to the extent possible.
- The right to have an Advisor or Support Person of the respondent’s choice accompany the respondent to all meetings related to the complaint process.
- The right to access campus resources for medical, counseling, and advisory services.
- The right to a change in on-campus residence and/or an adjustment to their academic schedule, if such changes are reasonably available.
- The right to opt out of the process even though the process may continue.
- The right to speak and present information on one’s own behalf.
- The right to have irrelevant sexual history, such as history regarding the respondent’s sexual history with others, be excluded from presentation in the responsibility phase of the complaint process (relevant sexual history may be considered in the sanctioning process, as described below).
- The right to be informed of the outcome and sanction of any disciplinary process involving sexual misconduct.
- The right to appeal the outcome of a disciplinary process, provided the appeal meets the grounds outlined in the “Appeals Procedure” section of this Policy.

Living Accommodations

A complainant or a respondent who is a student may at any time request that the College provide a change in their housing assignment, free of charge, for the purposes of safety. The Title IX Coordinator will work with the complainant or respondent and the Director of Housing and Residential Life to find suitable safe housing as soon as possible after the request is made. Safe housing may include temporary off-campus accommodation so long as transportation is readily available.

Marlboro College Complaint Procedure

If Marlboro College receives a complaint of conduct that would, if substantiated, violate this Policy or otherwise has reason to believe that such conduct has occurred, it will take prompt and equitable remedial action to the extent appropriate and possible under the circumstances.
Marlboro College will honor a complainant’s request for confidentiality wherever possible, though the College notes that in certain instances the College may be required by law and/or community safety considerations to take action if it learns of misconduct or retaliation in violation of this Policy, even if an affected party does not wish to file a complaint, in order to maintain a safe and nondiscriminatory environment for all members of the Marlboro College Community. As much as possible in light of these considerations, Marlboro College will protect the identity of the person making the complainant and the respondent, except as is reasonably necessary to complete a full and impartial investigation.

In the event that a complainant exercises the right to file a complaint with the police or the state's attorney and a criminal investigation ensues, Marlboro College will at the request of law enforcement officials suspend temporarily the fact finding phase of its investigation under this Complaint Procedure, if it is not yet concluded, until the criminal investigation completes its initial evidence-gathering phase. Although the fact finding will be suspended temporarily, the rights, as applicable, of both the complainant and the respondent, as articulated in this document, will be maintained and Marlboro College will take whatever action it deems necessary for the safety and well-being of the complainant and the College community, including, but not limited to, third party supervision, a no contact agreement, housing relocation, emergency suspension or alternative grade review.

Both informal and formal complaints are initiated by reporting the situation to the Title IX Coordinator (802-258-9238 on campus), to the supervisor, or to the SLC on Duty (page 877-7306051). The Title IX Coordinator will meet with the complainant to discuss the complaint and explain the options the complainant can pursue: a confidential discussion in which no individual is identified and the complainant is referred to counseling at Total Health Services or the Survivor Advocate, an informal complaint resolution procedure, which identifies the respondent, or a formal complaint resolution procedure that initiates an investigation and hearing.

The informal complaint process is not an option in cases of sexual misconduct.

**Informal Complaint Resolution Procedure**

If the complainant decides to pursue an informal resolution, the Title IX Coordinator will obtain information from the complainant about the objectionable behavior and will discuss the complainant's desired resolution. Again, the informal complaint process is not an option in cases of sexual misconduct. Following this meeting, the Title IX Coordinator will then meet with the respondent, either with or without the complainant. During this meeting the Title IX Coordinator will listen to the respondent’s understanding of what transpired and will present to the respondent the complainant’s complaint and desired resolution. The Title IX Coordinator will explain this Policy and the prohibition on retaliation. Either the complainant or respondent may opt out of this procedure at any point. In rare instances where there is an ongoing threat to the College’s ability to maintain a safe, nondiscriminatory campus, the College may decide to
investigate and take action, despite a complainant’s decision to opt out of or terminate the informal complaint process.

Following the meeting with the respondent, the Title IX Coordinator may obtain a commitment or written agreement from the respondent to comply with the College's Policy, which will include compliance with the Policy and may outline appropriate future conduct and behavior. The Title IX Coordinator will make a written record to be kept on file in the Title IX Coordinator's office. The Title IX Coordinator will inform both the complainant and the respondent that the Title IX Coordinator's observations and written records might be subpoenaed at a later date and could become evidence in a later civil or criminal proceeding or College proceeding. The Title IX Coordinator will encourage both the complainant and the respondent to seek advice. If any party, including the Title IX Coordinator, is not satisfied with the progress or result of the informal complaint resolution procedure, the party may ask to begin the formal complaint resolution procedure. Use of the informal procedures set forth in this section is not a prerequisite to initiating a formal complaint. The College will endeavor to resolve informal complaints within forty-five (45) days of the initial report to the College, absent extenuating circumstances (such as delays occasioned by College breaks). The College will keep the parties informed regarding the need for any extensions of this period.

At the discretion of the Title IX Coordinator, in the instance wherein two (2) or more informal complaints against a single respondent concerning separate incidents have been filed, or other instances where deemed appropriate by the Title IX Coordinator, the Title IX Coordinator may begin the formal complaint procedure. The Title IX Coordinator will notify any complainants of the initiation of this process. Complainants may participate in the formal complaint process but are not required to. Testimony given in the informal complaint procedure may be seen by the Panel. All complainants will retain the rights derived from the Statement of the Complainant’s Rights in this document.

Formal Complaint Resolution Procedure

Any person who is subject to or knows of conduct that may violate this Policy may initiate a formal complaint, which will result in an investigation and review by the Panel on Sexual Misconduct, Dating Violence, Domestic Violence and Stalking. This investigation will entail interviews with the complainant and respondent, as well as witnesses. The procedure will involve the Panel’s making a decision on whether or not this Policy has been violated, and a recommendation of sanctions, if any, from the Panel to the Dean of Students (if the Respondent is a student), the Dean of Faculty (if the respondent is a faculty member) or the Chief Human Resources Officer (if the respondent is a staff member). The Title IX Coordinator will provide information and guidance to all parties, and both complainants and respondents may have an Advisor or Support Person to help them navigate this Policy and process, including any meetings related to the case. The Title IX Coordinator is available to assist both parties in finding suitable Advisors or Support Persons, who need not be members of the Marlboro College Community. The College will endeavor to complete its investigation and hearing process (exclusive of any appeal) within sixty (60) days of the initial report to the College,
absent extenuating circumstances (such as delays occasioned by College breaks). The College will keep the parties informed regarding the need for any extensions of this period.

1. After an initial discussion, the complainant will be asked to prepare (or describe to the Title IX Coordinator or designee and sign) a written statement describing the complaint. The statement should include information such as the date and time of the alleged sexual harassment, sexual misconduct, dating violence, domestic violence or stalking, the name of the respondent, the circumstances of the alleged misconduct, and the identity of any persons who may have knowledge or information regarding the circumstances. If the Title IX Coordinator reviews the complaint and determines that there would be no violation of this Policy even if all the facts are taken as true, then the Title IX Coordinator will inform the complainant that no investigation will be conducted. The Title IX Coordinator will still endeavor to help the complainant receive counseling and any other necessary accommodations, as reasonably available.

2. Otherwise, within a reasonably prompt period of time from when the complaint or the request to move forward with the formal complaint resolution procedure was received, the Title IX Coordinator will notify the complainant and the respondent in writing that a complaint has been filed. The notification will include any conditions to be observed during the investigation, for example, third party supervision, no contact or alternative grade review. The appropriate Dean or supervisor will implement the conditions. The notification will also include a copy of this Policy. The Title IX Coordinator will also identify for the complainant and respondent the investigator who has been identified to investigate the matter, as described below. If a party objects to the participation of the identified investigator because of a real or perceived conflict of interest, the Title IX Coordinator will decide whether the objection justifies the appointment of an alternate investigator. This process will be repeated as necessary until an unbiased, neutral investigator is identified.

3. The Title IX Coordinator will identify a neutral investigator (“Investigator”) to conduct an investigation. The investigation will ordinarily include interviews of the complainant, respondent, and any witnesses with relevant information. The Investigator will notify the witnesses of their obligation to maintain the confidentiality of the investigation and to not engage in retaliation.

4. The Title IX Coordinator will remind all parties that either the complainant or the respondent may opt out of the formal complaint resolution process at any point. The investigation will proceed even if the respondent opts out of the formal complaint resolution process. While the complainant may opt out of the formal complaint resolution process or withdraw the complaint, the complainant should be aware that in instances where there is an ongoing threat to the College’s ability to maintain a safe, nondiscriminatory campus, the College may decide to investigate and take action, despite a complainant’s decision to opt out of or terminate the formal complaint process.

5. To the extent permitted by law, the complainant and respondent will be afforded the same rights and opportunities throughout the investigation and adjudication process, including the opportunity to recommend witnesses and submit evidence. However, the decision to
interview particular witnesses or consider evidence offered by the parties is within the sole discretion of the investigator, in consultation with the Title IX Coordinator as necessary.

6. Complainants and respondents are entitled to the same opportunities to have an advisor of their choice present at any interviews or meetings related to the investigation and adjudication process under this policy. Such advisors may advise the complainant or respondent privately, but cannot act as speaking advocates at a meeting. An investigator or other College representative may terminate meetings and proceed with the investigation or adjudication based on otherwise-available information if advisors refuse to comply with these requirements.

7. If a complainant or respondent is concerned that another person involved in the investigation or adjudication (such as, for example, an investigator or the Title IX Coordinator) may be biased or have a conflict of interest, the person should inform the Title IX Coordinator or President’s Office (if the concern is about the Title IX Coordinator) of that concern immediately. The Title IX Coordinator or alternate person, as applicable, will consider the concern and inform the parties of a decision as to whether an alternate will be named.

8. If it is determined that an investigation and adjudication should proceed under this policy, an investigator will be appointed to conduct an investigation that is appropriate under the circumstances, and is prompt, thorough, fair, equitable, objective and impartial.

9. The College’s investigation and adjudication process does not require or permit the complainant and respondent to interact or communicate directly or indirectly with each other at any time. The parties are therefore not permitted to question or cross-examine each other during the course of the investigation.

10. The Investigator is authorized to contact any and all individuals with potentially relevant information. The College recognizes, however, that individuals who are bound by legal privileges may not be able to disclose privileged information, unless an exception applies. The Investigator is authorized to access relevant records, except those legally protected as confidential or privileged, and may collect any additional evidence relevant to the complaint. The nature and scope of the investigation is within the sole discretion of the investigator and/or the College.

11. The College may also at any time take appropriate steps, including by way of example only, issuance of No Contact Orders and/or No Trespass Orders, temporary changes in assignment of duties or housing, changes in schedules or program requirements, transportation or working accommodations, or other accommodations, if requested and reasonably available, to protect complaining parties on an interim basis. These measures can be taken if requested and reasonably available, regardless of whether a complainant pursues a complaint under this policy.
12. The complainant and respondent will be asked to identify all relevant evidence they would like the investigator to review, as well as witnesses they would like the investigator to interview. Both parties may provide, if they wish, a list of questions they would like the investigator to ask of particular witnesses or of each other. The Investigator is not required to consider the evidence submitted or interview any particular witness, even if identified by one of the parties, nor to ask questions provided by either party. However, in determining whether to interview witnesses or review evidence, the investigator should consider such factors as equity, fairness, thoroughness, and impartial treatment of both parties.

13. All participants in the investigation are expected to cooperate fully by providing complete, accurate, and truthful information. They may also be expected to sign statements or other documents memorializing the information they provided, and may be asked to keep the substance of the interview confidential. Failure to cooperate fully with the Investigator may subject the individual to the full range of disciplinary actions, as applicable.

14. Formal rules of evidence do not apply in the process described herein. In cases where an evidentiary or procedural question arises in connection with the investigation or adjudication process, the Title IX Coordinator will make a decision on such questions.

15. At the conclusion of the investigation, the complainant and respondent may review the witness statements and other relevant materials. Both will have an opportunity to respond to this information in writing within seven calendar days.

16. If at any stage following the submission of these responses new relevant evidence is gathered, it will be shared with the complainant and respondent, who will have an opportunity to submit a written response within a time frame determined by the Title IX Coordinator.

17. The complainant and respondent may each request to see the other party’s written statement once it has been submitted.

18. The Investigator will submit a final report to the Title IX Coordinator. The final report will include all investigation materials deemed permissible, the complainant’s and respondent’s written responses, the investigator’s recommended finding of whether this Policy has been violated, and the investigator’s rationale. This recommendation will be based on the standard of preponderance of evidence, i.e., whether it is more likely than not that the Policy was violated.

19. The Title IX Coordinator will review the investigator’s report and recommendation and determine whether any further investigation needs to be done. If so, the Title IX Coordinator will direct the investigator to perform additional investigation as deemed necessary.

20. Once the Title IX Coordinator is satisfied that the investigation is complete, he or she will provide the report and recommendation to the Panel on Sexual Harassment, Sexual
Misconduct, Dating Violence, Domestic Violence and Stalking, and to each of the parties, as applicable. The Panel considers investigation reports and evidence collected in investigations, and deliberates and makes decisions as to whether or not this Policy has been violated.

21. The complainant and the respondent may submit written responses to the investigatory report within five (5) business days of the date of the issuance of this report. These responses must be submitted to the Title IX Coordinator.

22. The Panel will consider the investigator’s report and recommendation and the parties’ responses. The Panel is not bound by the Investigator’s report and recommendation; rather, these are advisory to the Panel. The Panel may accept or reject the investigator’s recommendation in whole or in part, and may request additional relevant information or investigation before making a determination. If the Panel requests such additional relevant information or investigation, the Panel will provide notice to the parties of any additional information gathered in response to such requests. The parties may then have two days to provide to the Panel a written statement regarding their perspectives on the additional information, if they choose to do so. The Panel may consult with other persons as deemed appropriate.

23. Either party may choose to (but does not have to) meet individually with the Panel prior to the Panel’s determination. The Panel may also request an individual meeting with either party or any other person(s) as deemed appropriate. Parties can decide either to attend a meeting at the Panel’s request, or decline the request. The Panel will not view a party’s position more or less favorably because a party chooses not to attend a meeting with the Panel. The Panel’s determination will be based on a preponderance of the evidence standard.

24. If the Panel finds that there is insufficient evidence to find that a violation of this Policy occurred, the Panel will inform the complainant and the respondent of that, simultaneously and in writing. If the Panel finds that the respondent has engaged in conduct that violates this policy, the Panel will inform the complainant and the respondent of that, simultaneously and in writing, and invite each party to submit within an appropriate period a Sanction Statement sharing any thoughts they would like the Panel to consider when recommending a sanction. In recommending sanctions, the Panel will consider, for example: 1) any such statements; 2) its findings regarding the case at issue; and 3) any relevant prior misconduct, information about which may be received by the Panel from College offices or officials with knowledge (i.e., the Dean of Students in student respondent cases, the Chief Human Resources Officer in staff respondent cases, and the Dean of Faculty in faculty respondent cases), who will provide such information and confer with the Panel once a finding of responsibility has been made.

25. The Panel will forward its findings and recommendation for action to the respondent, the Dean of Students (if the respondent is a student), the Dean of Faculty (if the
respondent is a faculty member) or the Chief Human Resources Officer (if the respondent is a staff member) (“responsible individuals”) who will affirm or modify the proposed sanction. When this individual determines the sanction, he or she will, in cases in which sexual assault, dating violence, domestic violence or stalking are found to have occurred, simultaneously notify in writing the complainant, the respondent and the Title IX Coordinator. In cases in which sexual harassment that does not also involve sexual assault, dating violence, domestic violence or stalking is found to have occurred, the responsible individual will notify the respondent and the Title IX Coordinator of the sanctions in writing, and will, to the extent permitted by law, simultaneously notify the complainant of any sanctions that pertain to the complainant and that would have an effect on the complainant’s educational or working environment. The Panel’s findings and recommendation and the responsible individual’s sanction decision will be kept on file with the Title IX Coordinator and in the respondent’s personnel or student file.

26. If the Panel finds that either party provided false information during the investigation or that the complainant intentionally made a false report of conduct that violates this Policy, the Panel shall recommend suitable action to the appropriate Dean or the Chief Human Resources Officer.

**Appeal Procedure**

The complainant or respondent may appeal a Panel’s finding of no responsibility and/or a Panel’s finding of responsibility and/or sanction imposed by the responsible individual by delivering a written statement of appeal to the Dean’s Advisory Committee (for decisions made by the Dean of Students) or the President (for decisions made by the Chief Human Resources Officer or the Dean of Faculty, as chair of the Committee on Faculty) within five (5) business days from the date of the Panel’s finding of responsibility or the responsible individual’s sanctions decision, whichever comes later. If the President has a conflict of interest, a faculty appeal will be considered by the Chair of the Board of Trustees. The statement of appeal must detail the specific reason(s) for the appeal. The recipient of the appeal will notify the other party of any submitted appeal. The other party may submit a written response to the appeal to the President within five (5) business days of delivery of the statement of appeal. Appeals will be limited to the following grounds: (1) consideration of new evidence that was not reasonably available at the time of the formal investigation or Panel’s consideration of the matter; (2) an allegation of substantial procedural error on the part of the investigator or the Title IX Coordinator; or (3) the sanction imposed was disproportionate to the conduct violating the Policy. The designated committee or individual considering the appeal shall not conduct a new fact investigation but may consult with the investigator, Title IX Coordinator, Panel and/or responsible individual, and shall have the authority to affirm, reverse or modify the decision and/or the penalty imposed, or to remand the matter to the investigator, the Title IX Coordinator, the Panel, or the responsible individual for further consideration. The decision on the appeal is the final appeal available internally at the College. Appeal determinations will generally occur within twenty (20) business days from the receipt of the appeal.

**Sanctions**

Remedies or sanctions for violations of the College’s policy against sexual harassment, or its
policy against sexual misconduct that does not constitute sexual assault, may include but are not limited to:

- verbal or written warning,
- a signed contract describing commitment to future behavior,
- training,
- counseling,
- probation,
- leave of absence with or without pay,
- dismissal from employment
- expulsion from school,
- temporary or permanent transfer to a different position,
- class or academic assignment,
- reassignment of work or academic work, or
- alteration of living or work environment.

- Any mandated separation of a student from the College for a violation of this Policy will recommend conditions that must be satisfied before the student's return. In the case that a student is separated from the College, the Panel will consider putting conditions into place which must continue to be met after the student's return.

Remedies or sanctions for violations of the College’s policies against sexual assault, dating violence, domestic violence or stalking may include:

- training,
- counseling,
- probation,
- leave of absence with or without pay,
- dismissal from employment
- expulsion from school,
- temporary or permanent transfer to a different position,
- class or academic assignment,
- reassignment of work or academic work, or
- alteration of living or work environment.

- Any mandated separation of a student from the College for a violation of this Policy will recommend conditions that must be satisfied before the student's return. In the case that a student is separated from the College, the Panel will consider putting conditions into
place which must continue to be met after the student's return.

Appendix 5: Marlboro College Constitution and Bylaws

The College’s Constitution and Bylaws can be viewed at: https://nook.marlboro.edu/sites/default/files/constitution.pdf
Appendix 6: Marlboro College Handbook

The Marlboro College Handbook can be viewed at:

https://nook.marlboro.edu/public/governance/handbooks/college_handbook